



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JUNE 17, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend F. Michael Valentine, Pastor, Bethany Christian Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 20, 2002, at 7:00 p.m., and Saturday, June 22, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A Resolution paying tribute to the Honorable W. Alvin Hudson, Jr., and expressing to him the appreciation of this City and its people for his exemplary public service.

P. 14

A Resolution paying tribute to the Honorable William White, Sr., and expressing to him the appreciation of this City and its people for his exemplary public service.

P. 16

Introduction of guests from Russia who are participating in a training program through Environmental Training Services, Inc.

Presentation by the Mayor's Committee for People with Disabilities. Christene A. Montgomery, Chair.

A Resolution memorializing the late The Right Reverend William Henry Marmion, D.D., Third Bishop of the Episcopal Diocese of Southwestern Virginia of Roanoke.

P. 18

A Resolution memorializing the late Carl E. Stark, a physician and former Mayor of Wytheville, Virginia.

P. 20

A Resolution memorializing the late Martha Anne Woodrum Zillhardt, a longtime resident of Roanoke and Fincastle, Virginia.

P. 22

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of City Council held on Monday, May 6, 2002; and the special meeting held on Monday, May 13, 2002; and the Work Session held on Monday, April 29, 2002.

P. 24;
P. 53

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P. 86

RECOMMENDED ACTION: Concur in request.

- C-3 A communication from Alfred T. Dowe, Jr., tendering his resignation as a member of the City Planning Commission and the Roanoke Neighborhood Partnership Steering Committee.

P. 87

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

- C-4 Qualification of the following persons:

Sherman A. Holland as a member of the Youth Services Citizen Board for a term ending May 31, 2005; and

Geraldine LaManna for a term ending March 31, 2003, and
Carl H. Kopitzke for a term ending March 31, 2004, as
members of the Parks and Recreation Advisory Board.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Mayor Ralph K. Smith requesting approval of a minor revision in the order of the City Council agenda. P. 88;
O. 89
- b. A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, recommending acceptance of \$63,424.00 from the Compensation Board of Virginia-Technology Trust Fund, for upgrades to and maintenance of recordation equipment; and a communication from the City Manager concurring in the recommendation. P. 91;
B/O 94;
R. 95
- c. Request of Lincoln Terrace Saturn Network to present the School district's partnership recognition. Lissy Merenda, Supervisor, School-Community Relations, Marketing and Partnerships; and Frieda Hines, Principal, Lincoln Terrace Saturn Network. P. 96

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending acceptance of Emergency Shelter Grant funds for fiscal year 2002-03, in the amount of \$76,000.00, from the U. S. Department of Housing and Urban Development; and appropriation of funds in connection therewith. P. 98;
B/O 100;
R. 101
2. A communication recommending acceptance of fiscal year 2002-03 funds for the HOME Investment Partnerships Program from the U. S. Department of Housing and Urban Development; and appropriation and transfer of funds in connection therewith. P. 102;
B/O 106;
R. 108
3. A communication recommending acceptance of fiscal year 2002-03 funds for the Community Development Block Grant program from the U. S. Department of Housing and Urban Development; and appropriation and transfer of funds in connection therewith. P. 109;
B/O 114;
R. 117

4. A communication recommending acceptance of the bid submitted by The Presidio Corp., to upgrade the City's fiber optic based metropolitan area network to a symmetrical optical network (SONET), in the amount of \$683,905.67; rejecting all other bids received by the City; and transfer of funds in connection therewith.

P. 118; B/O 121; R. 122

5. A communication recommending execution of contracts for consulting services with Hayes, Seay, Mattern and Mattern, Inc., in the amount of \$71,200.00, and Mattern and Craig, Inc., in the amount of \$60,600.00, for bridge, overhead sign structure and tunnel inspection services.

P. 123; R. 125; R. 126

6. A communication recommending acceptance of projected Federal funds, in the amount of \$151,193.00, from the United States Department of Agriculture Food and Nutrition Service; and transfer and appropriation of funds in connection therewith.

P. 127; B/O 130; R. 132

7. A communication recommending appropriation of \$192,506.00 to provide design and consulting services for four water system distribution improvement projects.

P. 133; B/O 135

8. A communication recommending transfer of \$195,000.00 in connection with design of various stormwater management projects.

P. 137; O. 139

9. A communication recommending execution of Change Order No. 2 to the contract with Breakell, Inc., in connection with the Railside Linear Walk – Phase V, in the amount of \$37,640.00.

P. 141; O. 143

10. A communication recommending execution of Change Order No. 3 to the contract with Mid Eastern Builders, Inc., to address changes at the Crystal Spring Water Treatment (Filtration) Plant, in the amount of \$41,224.00.

P. 144; O. 146

11. A communication recommending execution of a five-year contract with Tickets.com, Inc., to provide ticketing services at the Roanoke Civic Facilities, with an option to renew for up to five additional years.

P. 148; R. 171

12. A communication recommending acceptance of the bid submitted by Acken Signs, Inc., to provide a new freestanding sign ("marquee") at the Roanoke Civic Center, in the amount of \$139,373.00; and rejecting all other bids received by the City; and transfer of funds in connection therewith. P. 173;
B/O 176;
O. 177
13. A communication recommending transfer of \$484,264.00, in connection with funding recommendations of the Human Services Committee for qualified agencies for fiscal year 2002-03; and execution of contracts with certain agencies for performance audits in the amount of \$11,000.00. P. 179;
B/O 199;
R. 201
14. A communication recommending transfer of \$289,112.00, in connection with recommendations of the Roanoke Arts Commission for funds to be allocated to cultural agencies for fiscal year 2002-03. P. 203;
B/O 207
15. A communication recommending acceptance of a Juvenile Accountability Incentive Block Grant allocation from the Department of Criminal Justice Services, in the total amount of \$48,493.00 (\$34,706.00 Roanoke City and \$13,787.00 Roanoke County); and appropriation of funds in connection therewith. P. 209;
B/O 211;
R. 213
16. A communication with regard to the Comprehensive Services Act Supplemental Allocation. P. 214;
B/O 216
17. A communication recommending execution of an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, for a one-year term commencing July 1, 2002, in the amount of \$827,154.00. P. 218;
R. 227
18. A communication with regard to Solid Waste Management bulk and brush. P. 228;
O. 230
19. A communication recommending Friday, July 5, 2002, as a floating holiday for all non-temporary City of Roanoke employees. P. 233;
O. 234

20. A joint communication of the City Manager and the Director of Finance recommending transfer of funds between certain accounts and the use of excess budgeted personnel lapse funds. P. 236;
B/O 243
21. A joint communication of the City Manager and the Director of Finance in connection with transfers to Internal Service Fund budgets. P. 246;
B/O 249
22. A joint communication of the City Manager and the Director of Finance with regard to Capital Projects Fund close out for fiscal year 2001-02. P. 256;
B/O 261
23. A communication recommending acceptance of a Bulletproof Vest Partnership Grant from the U. S. Department of Justice, in the amount of \$5,182.75; and appropriation of funds in connection therewith. P. 267;
B/O 269;
R. 270
24. A communication recommending amendment to the Fee Compendium in connection with outdoor dining to provide an incentive to restaurants for calendar year 2002. P. 271

b. CITY ATTORNEY:

1. A report recommending adoption of a measure to readopt and reenact the Code of the City of Roanoke (1979), as amended. P. 272;
O. 274
2. A report with regard to establishment of annual salaries for the Mayor, Vice-Mayor and Members of Council for the fiscal year beginning July 1, 2004. P. 276;
O. 277
3. A report recommending adoption of a measure to amend the Code of the City of Roanoke (1979), as amended, with regard to parking at the Roanoke Regional Airport. P. 279;
O. 280
4. A report recommending adoption of a measure to amend the City Charter to increase the threshold for formal competitive procurement from \$30,000.00 to \$50,000.00. P. 284;
O. 285

c. **DIRECTOR OF FINANCE:**

1. A report recommending appropriation of funds for various school grants for fiscal year 2002-03.

P. 287;
B/O 291

7. REPORTS OF COMMITTEES:

- a. Presentation of the Annual Report of the Fair Housing Board. Brenda Powell, Chair.

P. 293

- b. A communication from the Roanoke City School Board requesting the close out of 49 school grants; and a report of the Director of Finance recommending that Council concur in the request. William L. Murray, Director of Business Services, Roanoke City Public Schools.

P. 294

- c. A communication from the Roanoke City School Board requesting reallocation of VPSA Bond funds from Fishburn Park and Fairview Elementary Schools renovations; and a report of the Director of Finance recommending that Council concur in the request. William L. Murray, Director of Business Services, Roanoke City Public Schools.

P. 296;
B/O 298

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. An Ordinance establishing compensation for the City Manager, City Attorney, Director of Finance, Director of Real Estate Valuation, Municipal Auditor and City Clerk for fiscal year beginning July 1, 2002, effective July 31, 2002.

O. 299

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. CITY MANAGER COMMENTS:

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

CERTIFICATION OF CLOSED SESSION.

THE MEETING WILL BE DECLARED IN RECESS FOR DINNER AT 5:00 P.M., FOLLOWING WHICH MEMBERS OF COUNCIL AND CITY STAFF WILL ATTEND THE SOUTHEAST COMMUNITY CELEBRATION RALLY TO KICK OFF THE PROCESS TO REVITALIZE THE BULLITT-JAMISON CORRIDOR. LOCATION: CORNER OF JAMISON AVENUE AND 11TH STREET, S. E.

THE CITY COUNCIL MEETING WILL RECONVENE AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
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***JUNE 17, 2002
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CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTV Channel 3 to be replayed on Thursday, June 20, 2002, at 7:00 p.m., and Saturday, June 22, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing on the request of Baker Avenue Properties, Ltd., that a portion of an alley extending in a westerly direction from 31st Street, N. W., between Baker Avenue and Breckinridge Avenue, for a distance of approximately 209.5 feet through the middle of property bearing Official Tax No. 2510104, be permanently vacated, discontinued and closed. Daniel F. Layman, Jr., Attorney, Spokesperson. P. 301;
O. 309

2. Public hearing on the request of Carilion Medical Center and the City of Roanoke Redevelopment and Housing Authority that six parcels of land lying on the south side of Jefferson Street, S. E., between the Norfolk Southern right-of-way and the Roanoke River, bearing Official Tax Nos. 4040501 - 4040503, inclusive, and 4040506 - 4040508, inclusive, be rezoned from HM, Heavy Manufacturing District, to INPUD, Institutional Planned Unit Development District, subject to certain proffered conditions. Michael Ballantyne, Senior Vice-President of System Services - Facilities Services, Carilion Health System; Robert B. Manetta, Associate General Counsel, Carilion Health System; and Darlene L. Burcham, City Manager, Spokespersons. P. 313;
O. 335

3. Public hearing on the request of Matthew T. and Sally G. O'Bryan that a portion of property located at 902 Penmar Avenue, S. E., being a 0.0324 acre portion, more or less, of Official Tax No. 4130410, be rezoned from RM-1, Residential Multi-Family Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners. Edward A. Natt, Attorney, Spokesperson. P. 337;
O. 349

4. Public hearing on the request of Robert Evan, L.L.C., that a portion of Hite Street, S. W., extending from the southerly end of the existing cul-de-sac in a southerly direction for approximately 371.06 feet, more or less, to the northerly line of the right-of-way of U. S. Route 220 in the City of Roanoke, be permanently vacated, discontinued and closed. Edward A. Natt, Attorney, Spokesperson. P. 351;
O. 358

5. Public hearing on a proposal of the City of Roanoke to consider amendment and revision to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary for the Board to act. Darlene L. Burcham, City Manager; and William M. Hackworth, City Attorney. P. 362;
O. 364
6. Public hearing on a proposal of the City of Roanoke to consider amendment and revision to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in General Commercial, Light Manufacturing, and Heavy Manufacturing Districts. Evelyn D. Dorsey, Zoning Administrator. P. 366;
O. 370
7. Public hearing on a proposal of the City of Roanoke to lease 3,000 square feet of retail space in the Market Square Parking Garage, 11 Campbell Avenue, S. W., to Orvis Roanoke, Inc., for a period of no more than five years. Darlene L. Burcham, City Manager. P. 376;
O. 392
8. Public hearing on a request of the City of Roanoke to grant an easement across City-owned property located between Wasena Park and 13th Street, to Appalachian Power Co., d/b/a American Electric Power, to relocate and reconstruct existing electrical transmission and distribution lines and to vacate existing easements, in connection with the Roanoke River Flood Reduction Project. Darlene L. Burcham, City Manager. P. 393;
O. 395

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

WMT
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to the Honorable W. Alvin Hudson, Jr., and expressing to him the appreciation of this city and its people for his exemplary public service.

WHEREAS, in concluding his four-year term as a member of Roanoke City Council in the year 2002, W. Alvin Hudson, Sr. concludes more than 50 years of public service with the City of Roanoke.

WHEREAS, Mr. Hudson grew up in Roanoke and was educated at Virginia Western Community College, the University of Virginia, the University of Georgia, and Northwestern University of Continuing Education.

WHEREAS, Mr. Hudson began his career as a patrol officer for the Roanoke Police Department in 1950 and worked his way up to Commander in the Uniform Division.

WHEREAS, in 1977, Mr. Hudson was appointed as Sheriff of the City of Roanoke and served in that position for 20 years.

WHEREAS, Mr. Hudson has been active in the community through his membership in groups such as the Masons (Lakeland Lodge #1), the Scottish Rite of Freemasonry, the Kazim Temple, the American Legion Post 3, the 29th Division Association and a number of other civic organizations; and served as a past president of the Virginia State Sheriff's Association and on the Miss Virginia Pageant board of directors for 44 years.

WHEREAS, Mr. Hudson was elected as a member of City Council in 1998 and has served one term.

WHEREAS, as a member of City Council, Mr. Hudson served on the Budget and Planning Committee, the Personnel Committee, the Board of Directors of Greater Roanoke Transit Company, the Audit Committee, the War Memorial Committee, the Roanoke Valley Regional Cable Television Committee, the Roanoke Civic Center Commission, the Mayors' Committee for People with Disabilities, the Virginia CARES Board of Directors, and the VML Transportation Committee.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council adopts this means of recognizing and commending the many services rendered to the City of Roanoke and its people by the Honorable W. Alvin Hudson, Sr.
2. The City Clerk is directed to forward an attested copy of this resolution to the Honorable W. Alvin Hudson, Sr.

ATTEST:

City Clerk.

WMA
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to the Honorable William White, Sr., and expressing to him the appreciation of this City and its people for his exemplary public service.

WHEREAS, in concluding his four-year term as a member of Roanoke City Council in the year 2002, William White, Sr. concludes 12 years of public service.

WHEREAS, Mr. White was born in Little Rock, Arkansas, and educated at the University of Arkansas at Pine Bluff, earning a degree in business administration with a minor in accounting.

WHEREAS, Mr. White served as a senior staff accountant at Appalachian Power Co. and as a senior accountant for Peat, Marwick, Mitchell and Co.

WHEREAS, as a partner in Saunders & White, CPAs, Mr. White is presently a local businessman who has established his own accounting firm in Roanoke.

WHEREAS, Mr. White has served as a member of Virginia Health Service Cost Review Commission, the Roanoke Industrial Development Authority, and the Roanoke City Economic Development Commission.

WHEREAS, Mr. White was appointed to the Roanoke City School Board in June 1985 to fill an unexpired term and was reappointed to serve a three-year term in July 1987.

WHEREAS, while on the School Board, Mr. White served as a member of its Long Range Planning Committee and Budget Advisory Committee, and as its Vice Chairman.

WHEREAS, Mr. White was elected as a member of City Council in 1990 and has served three consecutive terms.

WHEREAS, as a member of City Council, Mr. White served on the Budget and Planning Committee, Personnel Committee, the Board of Directors of the Greater Roanoke Transit Company, Hotel Roanoke Conference Center Committee, and as chair of the Audit Committee and Legislative Affairs Committee.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council adopts this means of recognizing and commending the many services rendered to the City of Roanoke and its people by the Honorable William White, Sr.
2. The City Clerk is directed to forward an attested copy of this resolution to the Honorable William White, Sr.

ATTEST:

City Clerk.

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late The Right Reverend William Henry Marmion, D.D.,
Third Bishop of the Episcopal Diocese of Southwestern Virginia, of Roanoke.

WHEREAS, the members of Council learned with sorrow of the passing of Bishop Marmion
on Thursday, May 30, 2002; and

WHEREAS, Bishop Marmion attended the public schools of Houston, Texas, and received
his B.A. from Rice University in 1929 and his B.D. from the Virginia Theological Seminary in
Alexandria, Virginia in 1932; and

WHEREAS, Bishop Marmion was ordered Deacon on July 20, 1932 and advanced to the
priesthood on April 5, 1933 by the Right Rev. Clinton S. Quin, D.D., Bishop of Texas; and

WHEREAS, Bishop Marmion served as Priest in Charge of St. James' Church, Taylor and
Grace Church, Georgetown, Texas from 1932 to 1935, and was Associate Minister at St. Mark's
Church, San Antonio, Texas from 1935 to 1938; and

WHEREAS, Bishop Marmion was Rector of St. Mary's on the Highlands, Birmingham,
Alabama, from December 1938 to September 1950; and became Rector of St. Andrews Church,
Wilmington, Delaware on September 15, 1950; and

WHEREAS, Bishop Marmion was consecrated the Third Bishop of the Episcopal Diocese of
Southwestern Virginia at St. John's Church, Roanoke on May 13, 1954; and

WHEREAS, Bishop Marmion served as President of the Board of Trustees of Virginia Episcopal School, Stuart Hall and Boys' Home, Inc., in the Diocese of Southwestern Virginia and as a member of the Board of Trustees of the Virginia Theological Seminary, the Episcopal High School at Alexandria and of St. Paul's College in Lawrenceville, Virginia; and

WHEREAS, Bishop Marmion was the past chairman of the Department of Christian Social Relations of the Executive Council, of the Church and Race Fund Committee, and of the Long Range Planning Committee; and

WHEREAS, Bishop Marmion served as a member of the Ecumenical Relations Committee, the Committee on World Relief and Interchurch Aid and of the American Church Institute; and

WHEREAS, Bishop Marmion led Southwest Virginia Episcopalians through the turbulence of the civil rights movement and into the era of ordaining women.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Bishop William Henry Marmion, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Bishop Marmion's sons, William Henry Marmion, Jr., of Dallas, Texas, and Roger Nall Marmion, of Roanoke, Virginia.

ATTEST:

City Clerk

WMP

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Carl E. Stark, a physician and former Mayor of the Wytheville, Virginia.

WHEREAS, the members of Council learned with sorrow of the passing of Dr. Stark on Wednesday, June 5, 2002; and

WHEREAS, Dr. Stark was a native of Poughkeepsie, New York; and

WHEREAS, Dr. Stark was a United States Army veteran of World War II and served as a translator for the Nuremberg trials; and

WHEREAS, Dr. Stark was a prominent physician and past President of the Virginia Medical Society; and

WHEREAS, Dr. Stark served as Mayor of Wytheville for 28 years; and

WHEREAS, Dr. Stark was an active member of Holy Trinity Lutheran Church, where he served as a Lutheran Lay Minister; and

WHEREAS, Dr. Stark was President of The Great Lakes to Florida Association, Chairman of Virginia State Parks and Recreation, Chairman of the Mount Rogers Transportation Committee, past District Governor of Lions of Virginia, and past president of the Virginia Municipal League; and

WHEREAS, Dr. Stark was a past Master of Wytheville Masonic Lodge #82, A.F. & A.M., and a past Patron of Evansham Chapter #97, Order of the Eastern Star.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Carl E. Stark, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Dr. Stark's widow, Anne B. Crockett-Stark, of Wytheville, Virginia.

ATTEST:

City Clerk

W M H

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Martha Anne Woodrum Zillhardt, a longtime resident of Roanoke and Fincastle, Virginia.

WHEREAS, the members of council learned with sorrow of the passing of Ms. Zillhardt on Wednesday, May 22, 2002; and

WHEREAS, Ms. Zillhardt was a graduate of Jefferson High School and Gunston Hall School in Washington, D.C.; and

WHEREAS, upon her graduation, Ms. Zillhardt managed the 1936 Congressional Re-Election Campaign of her father, the late U.S. Representative, Clifton A. Woodrum, Sr.; and

WHEREAS, Ms. Zillhardt was employed for several years by WDBJ Radio Station; and

WHEREAS, at age 26, Ms. Zillhardt became the first woman in Virginia to earn an instrument rating pilot's license; and

WHEREAS, in 1940, Ms. Zillhardt established Woodrum Flying Service, a flight school and charter service at Roanoke's Woodrum Field, and ran an airport fixed-base operation; and

WHEREAS, Ms. Zillhardt produced the first All State Air Show with the Roanoke Jaycees in 1949; and

WHEREAS, in 1950, Ms. Zillhardt won her division in the Ninety Nine Transcontinental Air Race (Powder Puff Derby); and

WHEREAS, Ms. Zillhardt was a former member of the Roanoke Airport Advisory Committee and was inducted into the Virginia Aviation Hall of Fame in 1985; and

WHEREAS, Ms. Zillhardt was a member of the Junior League of Roanoke, the Roanoke Assembly, and the Roanoke Women's Democratic Club.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Martha Anne Woodrum Zillhardt, and extends to her family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Ms. Zillhardt's nephews, Clifton A. "Chip" Woodrum, III, and M. Lanier Woodrum of Roanoke, Virginia.

ATTEST:

City Clerk.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 6, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 6, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., C. Nelson Harris, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-CITY MANAGER-CITY PROPERTY: A communication from the City Manager requesting a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before Council.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

At 12:20 p.m., the Mayor declared the meeting in recess to be reconvened in the Council's Conference Room for the purpose of holding one Closed Session which was previously approved by Council.

At 1:30 p.m., the Mayor declared the meeting in recess to be reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing on the City of Roanoke Pension Plan and fiscal year 2002 revenues, with potential changes to proposed fiscal year 2003.

At 1:35 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing with regard to the City of Roanoke Pension Plan, with Mayor Smith presiding and all Members of the Council in attendance.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

PENSIONS: The Director of Finance introduced a briefing in regard to changes to the City's Pension Plan. He called upon Harold R. Harless, Acting Retirement Administrator, for a detailed briefing.

Mr. Harless advised that in 1926, the City of Roanoke established its first retirement system - Police and Fire system; in 1946, the second retirement system, the Employees Retirement System governing police and fire, as well as other employees of the City was established; and in 1984, a third system was created, the Employees Supplemental Retirement System. He stated that subsequent to the 1984 restatement, numerous changes have been made to Chapter 22.1 of the City Code; and a required amendment of all IRS qualified plans provided an opportunity to restate the Plan to increase ease of understanding and administration, the result of which was a better organized and more user-friendly Plan document.

He stated that the Plan has evolved from a single employer plan to a multiple employer plan; participating employers are clearly identified; i.e.: City of Roanoke, Roanoke Regional Airport Commission, Roanoke Valley Resource Authority, Roanoke Valley Juvenile Detention Commission and Roanoke City Schools (Food Service/Maintenance employees); and composition of the Board of Trustees is as follows: two Trustees who are members of the Plan and who are employees of the City, other than an employee of the Police or Fire Department; and one Trustee who is a member of the Plan and an employee of the Police or Fire Department. He explained that a proposed amendment to Board composition provides for two Trustees who are members of the Plan and an employee of a participating Employer (only one of the two may be an employee of a participating Employer other than the City), and a Trustee from the Police or Fire Department remains unchanged.

It was explained that further clarification of ESRS of Average Final Compensation provides that clarifying language has been added to avoid penalizing members who have a break in service, and months in which no Creditable Service is earned are not included in the 36 consecutive month period of Earnable Compensation used to calculate Average Final Compensation; and the term "duty", with regard to disability retirement, as used in the existing Plan, has been replaced with more appropriate terminology, i.e.: "further performance of any gainful employment for which the Member if qualified with his most recent Participating Employer".

It was noted that currently, the City Code defines the actuarial cost method to be used to determine the employer contribution rate; however, the restated Plan allows the Pension Plan Board of Trustees to adopt a generally accepted actuarial cost method to be utilized for determination of the employer contribution rate.

With regard to the Actuarial method to determine employer contributions, Mr. Harless stated that the Board of Trustees has proposed a change from the actuarial cost method required under the current Code; and the proposed actuarial cost method minimizes the potential for significant fluctuation in the required employer contribution in a given year.

He explained that the current actuarial method to determine employer contributions is: aggregate method used if Plan has no unfunded liability, recommended contribution rate of 7.15 per cent, entry age normal method used if unfunded liability, if unfunded liability, recommended contribution rate of 11.77 per cent; and the proposed actual method is: projected unit credit method, recommended contribution rate incorporating revised assumptions from experience study of 5.89 per cent; and cost method does not change if there is a change unfunded status.

It was further explained that the Economic Growth and Tax Relief Reconciliation Act of 2001 made legal the purchase of prior service credit utilizing a trustee to trustee transfer of assets; and restatement allows members of the Plan to purchase eligible prior service utilizing assets from their Deferred Compensation Plan.

In closing, Mr. Harless advised that the IRS Determination Letter filing deadline is June 30, 2002.

At 1:58 p.m., the Mayor declared the Council meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, May 6, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., C. Nelson Harris, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Edward T. Burton, Pastor, Sweet Union Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-HOUSING/AUTHORITY-DECEASED PERSONS: Mr. Carder offered the following resolution memorializing the late Willis M. "Wick" Anderson, a former Mayor of the City of Roanoke:

(#35824-050602) A RESOLUTION memorializing the late Willis M. "Wick" Anderson, a former Mayor of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 65 page 549.)

Mr. Carder moved the adoption of Resolution No. 35824-050602. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to Ms. Gerry Keister, cousin of the late Mr. Anderson.

LANDMARKS/HISTORIC PRESERVATION: The Mayor presented a proclamation declaring the week of May 12-18, 2002, as National Historic Preservation Week.

ACTS OF ACKNOWLEDGEMENT- ECONOMIC DEVELOPMENT: The Mayor presented a proclamation declaring the week of May 12-18, 2002, as Business Appreciation Week.

TOURISM: The Mayor presented a proclamation declaring the week of May 5-11, 2002, as National Tourism Week.

YOUTH: The Mayor presented a proclamation declaring the month of May 2002 as Childhood Early Intervention Month.

ACTS OF ACKNOWLEDGEMENT: Council Member Harris introduced representatives of Faith Christian School, sponsors of the Faith Walk, a community service project that will also benefit the City of Roanoke, which will be held on Friday, May 10, 2002.

Bret Jones, student leader associated with the annual fund raiser, advised that for the past three years, Faith Christian School has held a walk-a-thon in which students have solicited sponsors; however, this year, participants will be mulching the trail at Fishburn Park as a dual fund raiser and community project.

On behalf of the City of Roanoke, Council Member Harris presented Head Master Sam Cox with a City of Roanoke brass paper weight star.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Monday, April 1, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Hudson moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-EASEMENTS-APPALACHIAN POWER COMPANY-PARKS AND RECREATION-FLOOD REDUCTION/CONTROL-UTILITY LINE SERVICES-AMERICAN ELECTRIC POWER: A communication from the City Manager advising that pursuant to the requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights; was before Council.

The City Manager requested that Council authorize advertisement of a public hearing for Monday, May 20, 2002, at 7:00 p.m., on as soon thereafter as the matter may be heard, with regard to easements FOR RELOCATION OF American Electric Power transmission and distribution lines Roanoke River Flood Reduction Project.

Mr. Hudson moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES: A report of qualification of Erin Garvin for a term ending March 31, 2003; Anita L. Lee for a term ending March 31, 2004; David Walton and Onzlee Ware for terms ending March 31, 2005, as members of the Parks and Recreation Advisory Board, was before Council.

Mr. Hudson moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith -----7.

NAYS: None-----0.

REGULAR AGENDA

COMMITTEES-SCHOOLS: The Mayor advised that on July 1, 2002, there will be two vacancies on the Roanoke City School Board for terms of three years, each, commencing July 1, 2002 and ending June 30, 2005; and the following persons were interviewed by Council for the positions on Thursday, April 18, 2002, said interviews having started at 4:30 p.m., in the City Council Chamber:

Carl D. Cooper
Edward Garner
William H. Lindsey
William E. Skeen
Robert J. Sparrow

The Mayor opened the floor for nominations for the two vacancies.

Mr. Hudson placed in nomination the name of William E. Skeen.
Mr. White placed in nomination the name of Robert J. Sparrow.
Mr. Carder placed in nomination the name of Edward Garner.

There being no further nominations, Messrs. Skeen and Sparrow were appointed as Trustees of the Roanoke City School Board for terms of three years, each, commencing July 1, 2002 and ending June 30, 2005, by the following vote:

FOR MR. SKEEN: Council Members Carder, Hudson, White, Harris, Bestpitch, Wyatt and Mayor Smith-----7.

FOR MR. SPARROW: Council Members Wyatt, Hudson, White, Harris and Bestpitch-----5.

FOR MR. GARNER: Vice-Mayor Carder and Mayor Smith-----2.

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

PARKS AND RECREATION-FESTIVAL IN THE PARK: Stuart Israel, Executive Director, Festival in the Park, advised that Festival season 2002 is in full swing, with events like the Celtic Festival, Chili Cook Off, and Local Colors, and in approximately 18 days the 33rd Annual Festival in the Park kicks off with an activity at Victory Stadium. He stated that many people view Festival as an event of the City of Roanoke and the City deserves much credit for its success; Festival has brought thousands of people to downtown Roanoke to enjoy art, crafts, music, theater, children's activities and sports; and Festival is completely self-supporting, however, the City has provided in kind support as a major sponsor. He added that with the current level of City support and in kind services, for every dollar spent by the City in in kind contributions, Festival returns in excess of \$1.50. In appreciation of the City's support, he presented Festival in the Parks buttons which will admit Council Members to all Festival activities from May 24 - June 2, 2002.

Without objection by Council, the Mayor advised that the remarks of Mr. Israel would be received and filed.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

POLICE DEPARTMENT- GRANTS: The City Manager introduced a briefing on the V-STOP program; whereupon, she called upon Pam Gold, Domestic Violence Specialist, for remarks.

Ms. Gold presented a video prepared by RVTV on the V-STOP program, and advised that the City of Roanoke received V-STOP funds from 1999 to date; i.e.: \$18,000.00 in 1999, \$33,000.00 in 2000, \$33,000.00 in 2001, and \$27,000.00 in 2002. She presented photographs of domestic violence victims for viewing by Council only, and explained that the grant allows for such photographs and other evidence to aid in the prosecution of misdemeanor and felony domestic assault cases. She stated that evidence collected is critical for prosecution in these types of cases because witnesses are rarely present during the assault; and many cases are dismissed in court because of the unwillingness of the victim to testify in the presence of the abuser. She explained that police responded to 6,511 domestic disorder calls for service in 2001, 1,402 of which were forwarded to her office for follow up, 786 were simple assaults, 67 were aggravated assaults, 63 per cent of the

victims received some type of injury during the assault and 82 per cent were female; and in addition in 2001, detectives in the criminal investigation bureau spent a total of 2,034 hours investigating felony domestic related crimes. She advised that in coordination with U. S. Cellular, 40 cellular and digital phones are currently in use; approximately 25 per cent of the victims in Roanoke City do not have residential telephone service, therefore, these phones are vital for communication during an emergency; and victims are referred to other area agencies for additional service such as counseling, shelter and legal advice.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

POSTAL SERVICES: The City Manager submitted a communication advising that in an effort to provide postage services in the most cost efficient manner, specifications were developed and an Invitation for Bids were forwarded to seven postal processing firms; and the bid was publicly advertised in accordance with Chapter 23.1, Code of the City of Roanoke, (1979), as amended.

It was further advised that the lowest responsible bidder meeting specifications was Automated Mailing Systems, Inc.; based on the bid per piece of mail processed at \$.025, plus a one per cent additional fee for front funding actual postage cost paid by the vendor, annual cost of the contract would be approximately \$19,150.00; and funding for payment of the contract is available in individual department/division postage Account No. 2160.

The City Manager recommended that she be authorized to award the bid and enter into a one-year agreement, with the option to renew for four additional one year periods, with Automated Mailing Systems, Inc., for provision of postage metering, bar coding and presort services, at a contract price of \$.025 per piece of mail processed, plus a one per cent additional fee for front funding actual postage cost paid by the vendor, or approximately \$19,150.00 per year; and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35825-050602) A RESOLUTION accepting the bid of Automated Mailing Systems, Inc., made to the City for providing outbound postage service, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such services; and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 551.)

Mr. Carder moved the adoption of Resolution No. 35825-050602. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, Hudson, White, Harris, Bestpitch and Mayor Smith -----6.

NAYS: Council Member Wyatt-----1.

ZONING-CONSULTANTS REPORTS: The City Manager submitted a communication advising that according to Section 15.2-2285, Code of Virginia, 1950, as amended, "the planning commission of each locality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district."

It was further advised that the last major revision of the City's zoning ordinance was in 1987; in 2001, Council adopted a new Comprehensive Plan, Vision 2001-2020; revisions to the zoning ordinance are needed to provide development and land use tools to implement the plan's recommendations; and development of the new zoning ordinance will include a comprehensive review of the existing zoning ordinance, consideration of future goals for the City as established in *Vision 2001-2020*, coordination of public participation processes, and development of new land use regulations that encourage quality development and traditional development patterns that comprise a significant part of the City.

It was stated that with approval of a September 4, 2001, Council report, Budget Ordinance No. 35556-090401 appropriated \$100,000.00 for funding to provide for professional assistance to update the Zoning Ordinance; and as such, funding in the amount of \$99,974.00 is available in Account No. 008-610-9901-9132.

It was advised that a Request for Proposal was advertised and notices were sent to national firms known to have an expertise in this area; five written proposals were received and three firms were selected for interviews by the team; the proposal chosen is the venture of the qualified firm of Freilich, Leitner and Carlisle ("Consultant") and the firms of Planning Works, LLC, and The Lawrence Group will serve as subconsultants; and scope of services has been negotiated and consists of the following three phases to be completed in an estimated 15-month timeframe:

Phase I - Reconnaissance (June, 2002 – September, 2002)
General orientation, data compilation, Reconnaissance Report, and Annotated Code Outline.

Phase II – Ordinance Draft (October, 2002 – May, 2003)
Drafting of Zoning Ordinance document and document review.

Phase III – Adoption (June, 2003 – August, 2003) Planning Commission public hearing and recommendations; City Council public hearing and recommendations; and incorporation of final revisions into Zoning Ordinance as approved and adopted by City Council.

It was pointed out that the negotiated cost of the project is \$99,974.00 and includes a camera-ready original for the City, including a digital writeable copy containing properly formatted text and all graphic illustrations contained in the ordinance.

The City Manager recommended that Council accept the proposal of Freilich, Leitner & Carlisle ("Consultant"), with Planning Works, LLC, and The Lawrence Group as subconsultants, and that the City Manager be further authorized to execute an agreement with the consultant, approved as to form by the City Attorney, for the above described planning services.

Mr. Carder offered the following resolution:

(#35826-050602) A RESOLUTION accepting the proposal of Freilich, Leitner and Carlisle, with the firms of Planning Works, LLC, and The Lawrence Group Architects of North Carolina, Inc., as subconsultants, for professional assistance in updating the City of Roanoke's zoning ordinance, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; and rejecting all other proposals made to the City for the work.

(For full text of Resolution, see Resolution Book No. 65, page 552.)

Mr. Carder moved the adoption of Resolution No. 35826-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith -----7.

NAYS: None-----0.

PARKS AND RECREATION-REFUSE COLLECTION-EQUIPMENT: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to replace three trucks for the Transportation Division of the Public Works Department; specifications were developed and, along with an Invitation for Bid, were sent to 11 providers; and the bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke (1979), as amended .

It was further advised that the lowest bid for three landscape maintenance cab/chassis and bodies was submitted by Super Lawn Truck, Inc., which bid met all specifications, at a price of \$54,912.83 per unit; and funding is available from Lease of Vehicle Account No. 017-440-9852-9015.

The City Manager recommended that Council award the bid for three landscape maintenance trucks to Super Lawn Truck, Inc., at a total cost of \$164,738.49; and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35827-050602) A RESOLUTION accepting the bid of Super Lawn Truck, Inc., for the purchase of three new landscape maintenance cab/chassis and bodies, upon certain terms and conditions; and rejecting all other bids made for such items.

(For full text of Resolution, see Resolution Book No. 65, page 553.)

Mr. Carder moved the adoption of Resolution No. 35827-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

The Mayor called attention to the submittal of only one completed bid, and advised that with an expenditure of this magnitude, there should be more than one bidder on the cab/chassis and landscape maintenance bodies. He stated that there may be a flaw in the purchasing process if the City is unable to attract more than one bid on a \$164,000.00 purchase.

BUDGET-TELEPHONE COMPANIES-TELEPHONE EQUIPMENT: The City Manager submitted a communication advising that the State of Virginia mandated that localities take responsibility for answering wireless E911 calls instead of routing the calls for response by the State Police; the Virginia State Wireless E911 Services Board provides funding to the localities for staffing and equipment to provide the service; and the State currently collects 75 cents per month for each wireless telephone user to fund localities for expenses for the services.

It was further advised that on December 12, 2001, the Virginia State Wireless E911 Services Board awarded the City of Roanoke an additional \$349,790.00 to complete Phases I and II for fiscal year 2001/2002; Wireless Phase II, which provides the location of the caller, is scheduled for implementation on October 1, 2002; and there is no requirement for matching funds.

The City Manager recommended that Council appropriate \$44,000.00 to E911 Center No. 001-430-4130-2020 for E911 Telephone Bill funding; and appropriate \$305,790.00 to an account to be established by the Director of Finance for funding upgrades to software and hardware.

Mr. Carder offered the following emergency budget ordinance:

(#35828-050602) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 554.)

Mr. Carder moved the adoption of Ordinance No. 35828-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-ANIMALS/INSECTS: The City Manager submitted a communication advising that the Roanoke City Police Department's Mounted Patrol Unit was formed in 1993; the Mounted Patrol Unit has relied on numerous donations to maintain its operations; in July, 2000, Ms. Diane Dominguez of Palm City, Florida, donated two Friesian horses to the program; and both horses have been trained and are utilized by the Mounted Patrol Unit.

It was further advised that Ms. Dominguez has offered to donate another Friesian horse to the Mounted Patrol Unit, which is a three-year old gelding, docile, and suitable for police training, valued at \$30,000.00; accepting the additional horse would allow the retirement of one of the Unit's older mounts; and City Code Section 2-263 requires action by Council to approve acceptance of gifts exceeding \$5,000.00 in value.

The City Manager recommended that Council authorize acceptance of a Friesian horse from Ms. Diane Dominguez of Palm City, Florida.

Mr. Bestpitch offered the following resolution:

(#35829-050602) A RESOLUTION accepting the donation of a Friesian horse for use by the City's Mounted Patrol Unit of the Police Department, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 65, page 555.)

Mr. Bestpitch moved the adoption of Resolution No. 35829-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

LIBRARIES-OUTDOOR DINING: The City Manager submitted a communication advising that the Roanoke Public Library wishes to enter into a contractual agreement with an individual or restaurant corporation to operate a coffee shop on the lower level of the Main Library, off Bullitt Avenue, with both indoor and outdoor areas, and the vendor will be required to:

make any needed renovations, including furnishings, to the existing space to make it suitable for a coffee shop;

be responsible for maintenance, repairs, and upkeep;

pay minimal rent and/or a small percentage of profits to the library system;and

adhere to all other conditions specified in the contract.

It was further advised that the Code of Virginia, 1950, as amended, Section 63.1-155, requires that the Department for the Blind and Visually Impaired have first priority in assuming the operation of such a facility in a public building; if the Department chooses not to exercise this option, the City will issue a Request for Proposals; although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above referenced service, since the experience, qualifications, and references of individuals and/or corporations that can provide the above listed service are of primary importance; the highest quality of service (food, pricing, operations, and environment) is desired for library customers, in order to have a successful operation; therefore, the process of competitive negotiation using the request for proposal has been identified as the best method for procurement of these services.

It was pointed out that the City Code provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; prior approval by Council is necessary before the alternate method may be used; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure vendors to provide the appropriate services.

Mr. Bestpitch offered the following resolution:

(#35830-050602) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of an operator of coffee shop services for the Main Library; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 65, page 557.)

Mr. Bestpitch moved the adoption of Resolution No. 35830-050602. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

GRANTS-CITY INFORMATION SYSTEMS-LIBRARIES-SCHOOLS: The City Manager submitted a communication advising that in the fall of 2001, the Roanoke Public Libraries applied to the Library of Virginia for a grant that would fund a program for middle and high school age students to be trained to assist library patrons in using computers in the Main Library and in branch libraries; a grant in the amount of \$5,000.00 was awarded; in the fall of 2001, the Roanoke Public Libraries applied to the Library of Virginia for an additional grant that would enable the creation of a library website, and a grant of \$5,000.00 was awarded.

It was further advised that the PC Navigators grant will help the library meet the diverse needs of patrons whose computer skills and knowledge vary widely and will help teen participants to reinforce computer skills required by the Virginia Standards of Learning, learn to provide meaningful service to others, and develop interpersonal skills; and the grant provides funding for small stipends for program participants.

It was explained that the library website grant will enable the library to broaden its customer reach by offering online information on the different library departments and their services, including circulation (new acquisitions and material reviews), reference (links to online research databases and reference question email), the Virginia Room, the Afro-Lee Americana Collection, library programs, Friends of the Library, and other updates; additional links on the website would

include lifelong learning opportunities, pertinent local information, cultural events, and other aspects relating to the uniqueness of the Roanoke Valley; and a web site will also serve as a marketing tool, positioning the library as a state of the art facility.

The City Manager recommended that Council accept the two grants from the Library of Virginia and appropriate funding from each to revenue and expenditure accounts to be established in the Grant Fund.

Mr. Carder offered the following emergency budget ordinance:

(#35831-050602) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 558.)

Mr. Carder moved the adoption of Ordinance No. 35831-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35832-050602) A RESOLUTION accepting a Library PC Navigators Grant and a Library Website Grant from the Library of Virginia.

(For full text of Resolution, see Resolution Book No. 65, page 559.)

Mr. Carder moved the adoption of Resolution No. 35832-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

AUDITS/FINANCIAL REPORTS-DIRECTOR OF FINANCE: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of March 2002.

There being no questions, and without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

AUDITS/FINANCIAL REPORTS-BUDGET-ANNUAL REPORTS-COMMITTEES-CABLE TELEVISION: A communication from Council Member W. Alvin Hudson, Jr., Council's Representative to the Roanoke Valley Cable Television Committee, transmitting the Roanoke Valley Cable Television Annual Budget for Fiscal Year 2002-03, totaling \$267,885.00, with the City's contribution totaling \$147,337.00, was before the body .

It was advised that the City of Roanoke, the County of Roanoke, and the Town of Vinton jointly operate Roanoke Valley Television (RVTV); initial equipment and facilities for the television station were funded through a \$480,000.00 capital grant from Cox Communications; the station is located at the Jefferson Center and currently employs five full-time staff members; and staff produces videos and shows for local governments and school systems for cable casting, along with government meetings, on Cox Communications' Channel 3.

It was further advised that on June 8, 1992, Council approved the Roanoke Regional Cable Television Agreement, which requires that the RVTV Operating Budget be approved by the governing bodies of the city, the county, and the town; funding for the Operating Budget is shared by the three governments, based on the annual proportion of Cox subscribers located in each jurisdiction; and the Roanoke Regional Cable Television Committee approved the RVTV Operating Budget for Fiscal Year 2002-03 at its April meeting, which amounts to \$267,885.00 and is a 0.99 per cent decrease from the current years budget of \$269,616.00.

It was noted that Cox Communications paid a five per cent franchise fee to the local governments in 2001, which amounted to \$1,718,936.00; the local governments have traditionally agreed to allocate up to 20 per cent of the franchise fees collected to the RVTV Operating Budget; for the coming year, that amount would be \$343,787.00; and RVTV's requested budget of \$267,885.00 is \$75,902.00 less than that amount.

<u>Locality</u>	<u>Subscribers</u>	<u>Percentage (%)</u>
City of Roanoke	32,332	55
Roanoke County	23,214	40
Town of Vinton	2,727	5

It was pointed out that each locality's contribution to the Operating Budget would be as follows:

<u>Locality</u>	<u>Contribution</u>
City of Roanoke	\$147,337.00
Roanoke County	\$107,154.00
Town of Vinton	\$13,394.00

On behalf of the City's representatives to the Roanoke Valley Cable Television Committee, and as Council's representative to the committee, Council Member Hudson recommended that Council approve the proposed RVTV budget for Fiscal Year 2002-03, in the amount of \$267,885.00, with the City's contribution totaling \$147,337.00.

Mr. Hudson offered the following resolution:

(#35833-050602) A RESOLUTION approving the recommendation of the Roanoke Valley Regional Cable Television Committee to approve the annual operating budget for Fiscal Year 2002-2003 for the operation of the regional government and educational access station, Roanoke Valley Television (RVTV), Channel 3, and for the City to provide partial funding.

(For full text of Resolution, see Resolution Book No. 65, page 560.)

Mr. Hudson moved the adoption of Resolution No. 35833-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve appropriation of \$104,255.00 from the Capital Maintenance and Equipment Replacement Fund, said funds to be used for the purchase of instructional technology requests, replacement of a transportation fuel truck, facility maintenance requirements, elementary physical education equipment and improvements, and facility improvements at Woodrow Wilson Middle School, was before the body.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35834-050602) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 561.)

Mr. Bestpitch moved the adoption of Ordinance No. 35834-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

ZONING: Ordinance No. 35818 amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409 and rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, to C-2, General Commercial District; and rezoning Official Tax No. 2761421 from RS-3, Residential Single-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, having previously been before the Council for its first reading on Monday, April 15, 2002, read and adopted on its first reading and laid over, was again before the body, Mr. Harris offering the following for its second reading and final adoption:

(#35818) AN ORDINANCE: amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409 and rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, to C-2, General Commercial District; and rezoning Official Tax No. 2761421 from RS-3, Residential Single-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner.

Mr. Harris moved the adoption of Ordinance No. 35818. The motion was seconded by Mr. Carder.

Mr. Mike Shepherd, 829 Virginia Avenue, N. W., business owner in the City of Roanoke, advised that Mr. Wells has come before Council with little or no regard for the neighborhood or its residents, he does not live in the neighborhood and could care less how he treats the people who reside there. He stated that Mr. Wells' request was denied by the City Planning Commission, therefore, why is he appearing before Council. He added that Mr. Wells was told by the City not to excavate his lot, but he did so anyway; and he was told not to come before Council for further expansion, yet his request is under consideration. He stated that if Mr.

Wells wishes to expand his business, he should relocate to an area that is currently zoned for a car wash facility. In view of the current water shortage, he advised that expansion of the car wash operation will compound the problem, and asked that Council deny the request.

Ms. Betty McCormack, 3826 Virginia Avenue, N. W., advised that residents have appeared before Council on the same subject on several occasions. She stated that she has lived in the neighborhood since 1958 and witnessed many changes, but expansion of Mr. Wells business is not in the best interest of the neighborhood. She added that the business is too close to the intersection of Melrose Avenue and Westside Boulevard, and Mr. Wells stops traffic on Westside Boulevard to move vehicles in and out of his building, which could lead to a serious traffic accident. She stated that vehicles are parked at Fairview Methodist Church, on the lot next to her home, and at the Stop In convenience store; and water runs down the curb to the drain at Melrose Avenue. She advised that Mr. Wells was authorized to engage in the business of car detailing, but referred to photographs of tractors, boats, mobile homes and a police car that have been washed at his establishment. She advised that if his current location is not large enough, he should relocate elsewhere on property that is appropriately zoned.

Mr. Fred Galloway, 3402 Kershaw Road, N. W., advised that he has known Mr. Wells for over 30 years and he is a hardworking, Christian gentleman, who operates his business in an efficient manner, with no loud noise, and observes regular working hours. He asked that Mr. Wells be allowed to continue to expand his business.

Vice-Mayor Carder advised that Mr. Wells has requested expansion of his business on several occasions. He expressed concern with regard to the encroachment by businesses into residential areas, and advised that if Mr. Wells wishes to expand his business, he should look at locations that are currently zoned for this type of business. For the above reasons, he stated that he intends to vote against the request.

Mr. Bestpitch advised that in 1994, Mr. Wells approached City Council regarding two tax parcels that he owns, across the front of which one house has been constructed on Virginia Avenue, and in 1994, only the back portion of one of the residential parcels was rezoned. He stated that the measure currently before Council rezones all of both tax parcels to C-2, General Commercial District, therefore, anyone who might decide at some point in the future that they wanted to purchase the house to live in at such time as Mr. Wells reaches the age where he can no longer maintain the property, would not be able to obtain a mortgage to purchase the house as a residence because, if the ordinance currently before Council is adopted, the house would not be zoned for residential purposes. He asked that Members of Council recognize what they will be doing to the neighborhood, to the house and to the future of the City and cast their vote against the ordinance.

The Mayor called attention to an individual who some time ago, operated an establishment in the area whose main business was in illegal activities, and advised that he hoped there is not a misconception by assuming that if an individual has a successful car washing business, there must be illegal activities involved. He noted that it has been stated that when Mr. Wells came before the Council on previous occasions, there was an understanding that there would be no further expansion of his business; however, that statement is not reflected in the minutes of Council as a motion adopted by the Council. He stated that he has visited Mr. Wells establishment on several occasions, everything has been in order and he was impressed with Mr. Wells ambition and motivation to make his business a success. He added that if there is illegal activity, he would encourage residents and other citizens to report incidents and prosecute to the fullest extent of the law by bringing evidence to the attention of the Police Department. He stated that he will support the request of Mr. Wells until he sees evidence to the contrary.

Mr. Bestpitch advised that he was not sure who the Mayor intended to impugn with his comments. He stated that he found the comments to be inappropriate for a City Council meeting and asked that the record reflect that he has no reason to presume that Mr. Wells is guilty of any crime whatsoever, since, to his knowledge, he has not been convicted of a crime. He added that the responsibility of Council as elected officials is to support and uphold the Constitution of this country which includes the provision that requires assuming that a citizen is innocent until proven guilty. He stated that Council is not being asked to zone or rezone Mr. Wells; zoning outlives the present owner of any piece of property, which has been his concern about this issue all along, as well as his concern on numerous zoning issues that have come before the Council; and he deeply resents any implication that his vote is being influenced by unsubstantiated speculation.

Mr. Harris advised that since the matter came before Council at its last meeting, he has received numerous correspondence and telephone calls from citizens; whereupon, he requested the opportunity to follow up on certain concerns and issues that have been raised with City staff.

Mr. Harris offered a substitute motion that the matter be tabled until the next regular meeting of Council on Monday, May 20, 2002, at 2:00 p.m. The motion was seconded by Mr. Hudson and adopted, Council Members White and Bestpitch voting no.

BUDGET-CITY COUNCIL: Mr. Carder offered the following resolution establishing the date of a Special Meeting of the Council of the City of Roanoke on Monday, May 13, 2002, at 2:00 p.m., in the City Council Chamber, for the purpose of considering and enacting measures regarding the fiscal year 2002-03 budget:

(#35823-050602) A RESOLUTION establishing the date of a Special Meeting of the Council of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 548.)

Mr. Carder moved the adoption of Resolution No. 35823-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT: By consensus of Council, the "Shining Stars Recognition Program" was approved for implementation.

CITY MANAGER COMMENTS:

BUDGET-CELEBRATIONS: The City Manager encouraged citizens of the Roanoke Valley to take advantage of the many cultural activities/festivities offered by the City of Roanoke.

She advised that Council is currently participating in the fiscal year 2002-03 budget process, budget study sessions will be held on May 9 and 10, 2002, and the budget is scheduled for adoption by Council on Monday, May 13, 2002 at 2:00 p.m. She further advised that later in the day, Council will receive a briefing on revenue/revenue adjustments, and asked that citizens be mindful of budget concerns as the City prepares for fiscal years 2002-03 and 2003-04.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between citizens and Council Members and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

TRAFFIC-COMPLAINTS-STREETS AND ALLEYS: Ms. Pat Gordon, 3204 Christian Avenue, N. E., spoke with regard to cruising on Williamson Road, N. W., and Winsloe Avenue, N. E. She presented a petition signed by 21 persons also expressing their concerns. She referred to loud noise from car radios, improperly altered exhaust systems on vehicles, and stereos from the trunks of vehicles which vibrate walls, etc. She asked that Council enforce the noise ordinance by instructing police officers to patrol the neighborhood and to issue tickets to those persons in violation in an effort to curtail noise and other unfavorable activities.

The Mayor advised that he has recently received a complaint from residents at the corner of Trinkle Avenue and Winsloe Avenue, N. E.

Ms. Wyatt called attention to a similar problem in Roanoke County in the Boxley Hills area where it became necessary to gate the street. She stated that gating off the appropriate streets at Williamson Road might begin to solve the problem, and asked that other creative ways be studied to address the matter in addition to issuing citations by police officers.

It was the consensus of Council to refer the matter to the City Manager for report within 30 days.

At 4:00 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a briefing with regard to Fiscal Year 2002 revenue, with potential changes to proposed Fiscal Year 2003.

At 4:05 p.m., the Council meeting reconvened in Room 159, with all Members of the Council in attendance, Mayor Smith presiding.

BUDGET-TAXES: The Director of Finance referred to his communication under date of May 3, 2002, in which he advised that the Commissioner of the Revenue is currently processing assessments and finalizing the tax levy for Personal Property and Bank Stock Tax; Personal Property tax due date is May 31, and the Commissioner has just prepared the levy for Bank Stock Tax; based on assessments to date, it appears that Personal Property receipts will decline three to five per cent from the prior year, or approximately \$700,000.00 to \$1,160,000.00; based on the Bank Stock tax levy, receipts will decline from the prior year to one third, or approximately \$500,000.00; and the dramatic decline in these two local taxes, combined with other local taxes performing over budget, is expected to cause the overall category of local taxes to perform under budget for fiscal year 2002 by approximately \$800,000.00.

He called attention to an administrative hold that was placed on approximately \$2.0 million of appropriations; the intent of which was to allow the opportunity to take action on specific adjustments, if needed, during the last quarter of the fiscal year to compensate for any potential declines in revenues. He pointed out that in normal budget years, there typically are unspent appropriations and with the foresight of the action taken during the first quarter of the fiscal year, the City is not in danger of having an overall budget deficit for fiscal year 2002; and the anticipated impact would be a significantly small CMERP balance than is traditional.

The Director of Finance advised that based on previous year growth trends, revenue estimates were developed for fiscal year 2003 for Personal Property and Bank Stock from what was believed to be a conservative standpoint; and the extent of decline of these two taxes was not anticipated, thus, it is believed to be prudent to reduce estimates in the Recommended Fiscal Year 2003 budget. He stated that the Finance Department is working with the Commissioner of the Revenue to confirm assessments to date and with the Office of Management and Budget to develop a strategy to minimize the impact of any proposed reduction on priority expenditure items included in the Recommended Budget.

Mr. Hall reviewed charts showing an average five year growth through fiscal year 2001 for the following taxes: 4.2% - real estate tax , 4.4% - personal property tax, 3.1% - sales tax, 3.2% - utility taxes (includes electricity , gas, water, telephone and cellular telephone), 4.5% - business, professional and occupational license, 4.1% - prepared food and beverage tax, and 16.3% - and bank stock tax.

He advised that based on current projections, fiscal year 2002 local tax revenues will under perform the estimate by approximately \$800,000.00; personal property decline of three to five per cent is primarily responsible for the entire category of local taxes underperforming the budget; bank stock tax has also under performed the budget by \$.2 million; other local taxes that have performed in excess of their estimates offset some of the declines; and in a September 27, 2001 letter to Council, administrative holds of approximately \$2.0 million were announced in anticipation of a potential economic decline.

Mr. Hall explained that a review of the fiscal year 2003 recommended budget is necessitated by the declines in fiscal year 2002 of the personal property and bank stock taxes. In regard to the personal property tax, fiscal year 2003 estimate was developed assuming one per cent growth in fiscal year 2002 and fiscal year 2003; the decline of three to five per cent will require the fiscal year 2003 estimate to be reduced, with an impact reduction of \$1.4 million; fiscal year 2003 estimate conservatively established Bank Stock Tax at a level below fiscal year 2001 actual receipts; and the under performance in fiscal year 2002 by \$.2 million will require the fiscal year 2003 estimate to be reduced, with an impact of \$.4 million.

Mr. Hall made the following points:

Real estate taxes are on target.

Last year was a record year for automobile sales due to incentives that were offered. Contrary to the declining economy, there were strong automobile sales which was believed would offset the decline in investment in equipment by businesses; however, that did not prove to be the case and there was not an increase in personal property receipts generated from investment in automobiles by private citizens. There is a reasonable decline in the personal property tax being generated from businesses in the form of machine and tools and business personal property; therefore, between a 3.5 and 5 per cent decline from this years' receipts to last years' receipts is anticipated. When the decline is compared to what the City anticipated would be a one per cent growth in fiscal year 2002 and a one per cent growth in fiscal year 2003, there is approximately a \$1.4 million spread between what is projected for the current year and what is projected for the upcoming year.

Personal property is the City's second largest revenue source, and the City lost a large tax paying company last year in the Roanoke Centre for Industry and Technology. Personal property from businesses are assessed at six per cent of the value in the year in which they are new, which depreciates ten per cent per year (the first year valued at 60 per cent, the second year at 50 per cent, the third year at 50 - 40 per cent and value floors at 20 per cent). Therefore, it is important to have reasonable investment ongoing to offset any decline in value that businesses are assessed pursuant to City Code provisions. Evidence reveals that the investment was not present this year to offset the decline in personal property receipts, and private automobile purchases.

The City is requesting a count of automobiles registered in the City of Roanoke from the Division of Motor Vehicles. The Commissioner of the Revenue receives a periodic report from the DMV for automobiles that are purchased and registered with the DMV that are domiciled in the City

of Roanoke, which is used as an audit tool to ensure that citizens have filed their returns. The City Manager clarified that the DMV provides the City with a list of monthly new car transactions, but a list of every vehicle domiciled in the City of Roanoke is not normally provided to the localities; however, since this is an extraordinary situation, the Commissioner of the Revenue has been requested to submit a request for the information through the DMV. She advised that the Treasurer has made a local contact with the DMV and has been advised that it is possible to obtain the information and the City is willing to bear the necessary costs.

Neighboring localities are not experiencing this kind of reduction, but instead are holding their own, or have incurred a slight increase, and other urban communities in Virginia are not experiencing this type of decline.

The Municipal Auditor advised that it has been difficult to pull all of the numbers together with exonerations, billings, deletions and disposals; business personal property taxes appear to be more of the problem which is mixed in with furniture and fixtures, vehicles and machinery and tools tax; and a review has been conducted of those businesses that filed taxes in the 2001 tax year, but did not file in 2002, and it was discovered that approximately 198 businesses did not file this year as compared to last year. According to the Virginia Employment Commission; he stated that the City of Roanoke Economic Development Department has reported for the first three fourths of the 2001 calendar year, the City lost a net of approximately 65 businesses.

The Treasurer stated that the DMV counts motor vehicles on January 1 and July 1 of each year and if counts are needed in between those periods of time, a request must be filed for a program to be prepared by the Commonwealth of Virginia, and the requesting locality must fund all costs associated with preparing the program.

Mr. Hall advised that a 1.4 per cent reduction in the revenue estimate is recommended for fiscal year 2003 for personal property tax, bringing the figure down to \$22.3 million; whereupon, the City Manager advised that City staff will continue to work the numbers prior to Council's budget study session scheduled for Thursday, May 9; staff will submit a budget to Council that is balanced with a lesser number for personal property tax and bank stock tax; however, in making the adjustments, the City will be even more limited in its ability to make other adjustments because any flexibility in the fiscal year 2003 proposed budget will be eliminated in order to address these two revenue issues.

The Commissioner of the Revenue called attention to a shortfall in the State's revenue of \$3.5 billion, the Federal Government is projecting a shortfall of \$215 billion for the upcoming year which will affect all citizens because buying habits will be different, and persons will not receive the same amount of returns on their investments in stocks, mutual funds, etc., therefore, they may not purchase new vehicles.

Mr. Hall advised that the business license tax is on track with budget, and prepared food and beverage tax is also on target, averaging a little over four per cent growth per year. He further advised that the bank stock tax is down from \$1,560,000 in 2001 to approximately \$1 million in 2002. He called attention to a conversation with a local banking representative who advised that deposits have not moved out of the City of Roanoke, nor has the amount of tax paid by the bank declined; however, because of the merger of two banks in the local area, a study was conducted to identify locations of deposits throughout the state and it was discovered that the City of Roanoke received the benefit in previous years of over stated deposits which is a reason for the present decline in bank stock tax.

In summary, the Director of Finance explained that for the fiscal year 2003 budget, personal property tax and bank stock tax are on the decline in the range of \$1.4 million for personal property tax, and approximately \$400,000.00 for bank stock tax, for a total impact of \$1.8 million reduction in the revenue estimate for fiscal year 2003.

The City Manager advised that the numbers will be worked until Thursday, May 9, when Council convenes in 2002-2003 budget study session; however, as the decrease in revenue relates to the budget of the Roanoke City Schools, based on the funding formula for sharing local growth, the \$1.8 million could represent a reduction of \$655,000.00 to the school budget.

Vice-Mayor Carder, one of the City's representatives to the First Cities Coalition, called attention to the need to send a strong message that if the City of Roanoke continues to fund shortfalls from the State, at some point in time the State must be held accountable. He stated that citizens need to understand that when there are no surpluses and when the City is forced to cut school budgets and public service jobs, citizens should express their concerns at the state level. He added that the only way citizens will understand the pressure that local municipal officials operate under is to start cutting services. He advised that the City does not have the power to raise revenues creatively, which is a topic that Council should discuss as a part of its budget study sessions beginning on Thursday morning.

At 5:15 p.m., the Mayor declared the meeting in recess to be reconvened in Closed Session in the City Council's fourth floor Conference Room.

At 5:40 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, with the exception of Council Member White, who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, Harris Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The Mayor advised that there is a vacancy on the Hotel Roanoke Conference Center Commission, due to expiration of the term of office of John H. Parrot on April 12, 2002; whereupon, he opened the floor for nominations.

Mr. Carder placed in nomination the name of Darlene L. Burcham, City Manager.

There being no further nominations, Darlene L. Burcham, City Manager, was appointed as a Commissioner of the Hotel Roanoke Conference Center Commission, for a term ending April 12, 2006, by the following vote:

FOR MS. BURCHAM: Council Members Carder, Wyatt, Hudson, Harris Bestpitch and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that the terms of office of Sherman A. Holland and James H. Smith as members of the Youth Services Citizen Board expired on May 31, 2002, and called for nominations to fill the vacancies.

Mr. Carder placed in nomination the names of Sherman A. Holland and James H. Smith.

There being no further nominations, Messrs Holland and Smith were reappointed as members of the Youth Services Citizen Board, for terms ending May 31, 2005, by the following vote:

FOR MESSRS HOLLAND AND SMITH: Council Members Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Roanoke Redevelopment and Housing Authority, created by the death of Willis M. Anderson for a term ending August 31, 2002, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Beverly T. Fitzpatrick, Jr.

There being no further nominations, Mr. Fitzpatrick was appointed as a member of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2002, by the following vote:

FOR MR. FITZPATRICK: Council Members Carder, Wyatt, Hudson, Harris Bestpitch and Mayor Smith-----6.

(Council Member White was absent.)

VIRGINIA MUNICIPAL LEAGUE: It was the consensus of Council that the following persons would be nominated to serve on Virginia Municipal League Policy Committees:

Environmental Quality	Mayor Ralph K. Smith
Finance	Jesse A. Hall
General Laws	William M. Hackworth
Human Development and Education	Linda F. Wyatt
Transportation	Vice-Mayor William H. Carder

At 5:50 p.m., the Mayor declared the meeting in recess to be reconvened at 8:30 a.m., on Thursday, May 9, 2002, in Room 159, Noel C. Taylor Municipal Building, for fiscal year 2002-03 budget study.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 13, 2002

2:00 p.m.

The Council of the City of Roanoke met in special session on Monday, May 13, 2002, at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Resolution No. 35823-050602 adopted by Council on May 6, 2002.

PRESENT: Council Members William D. Bestpitch, William White, Sr., William H. Carder, W. Alvin Hudson, C. Nelson Harris and Mayor Ralph K. Smith--6.

ABSENT: Council Member Linda F. Wyatt-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

The Mayor advised that the purpose of the special meeting was to enact measures adopting the fiscal year 2002-03 budget for the City of Roanoke.

DIRECTOR OF FINANCE-BUDGET: The Director of Finance submitted a certificate advising that funds required for the 2002-03 General Fund, Water Fund, Water Pollution Control Fund, Civic Facilities Fund, Parking Fund, Capital Projects Fund, Department of Technology Fund, Fleet Management Fund, Risk Management Fund, School Fund, School Food Service Fund and Grant Fund budgets will be available for appropriation.

(For full text, see Certificate on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Certificate would be received and filed.

BUDGET: Mr. White offered the following emergency ordinance adopting the annual General Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$193,544,364.00:

(#35835-051302) AN ORDINANCE adopting the annual General Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 1.)

Mr. White moved the adoption of Ordinance No. 35835-051302. The motion was seconded by Mr. Carder.

David A. Diaz, President, Downtown Roanoke, Inc., advised that the City of Roanoke and Downtown Roanoke, Inc., have enjoyed a long working relationship, and as President of DRI he looks forward to continuing the relationship. He stated that the Downtown Plan was recently completed and expressed appreciation to the City of Roanoke for allowing DRI to oversee preparation of the Plan and the Board of Directors looks forward to its adoption. He further stated that E-Town and the Riverside Center for Research and Technology are projects that will support downtown Roanoke by encouraging high tech businesses in the downtown area. He added that the Riverside Center for Research and Technology is a key component to expanding the downtown which solidifies the partnership of the City and DRI and accentuates Roanoke and Virginia Tech as the two economic engines for the Roanoke Valley. He stated that the proposed new refuse collection fees in the Central Business District have been accepted, in general, by downtown businesses which appear to understand the rationale for the proposed fees which is to ensure equity for all. He called attention to discussions regarding initiation of a pilot project for compact trash collectors and to also encourage recycling in the Central Business District to help offset some of the costs of the new refuse collection fees. In summary, he stated that he looks forward to working with the City to improve downtown Roanoke and offered his assistance in that regard.

Rodney Jordan, representing the Roanoke Firefighters Association, expressed appreciation to Council for restoring the three firefighter suppression positions to the 2002-03 budget, and for Council's commitment to public safety, which decision could save lives. He stated that it was hoped that funding for all positions in the Fire/EMS Department could have been resolved; and funding for the Deputy Chief of Operations position could have gone toward the funding of two additional firefighters to help the City in moving toward its goal of meeting national standards. He explained that while the Fire Chief recognizes every NFPA standard, he has stated that City Council sets the standard for departmental staffing, therefore, he asked that Council consider NFPA standards on future decisions regarding Fire/EMS

staffing. He advised that the Firefighters Association will work to identify additional funds to help the City meet NFPA standards, in order to provide the citizens of Roanoke with the best possible protection and to make the jobs of firefighters as safe as possible.

Ordinance No. 35835-051302 was adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-WATER RESOURCES: Mr. Carder offered the following emergency ordinance adopting the annual Water Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$13,246,295.00:

(#35836-051302) AN ORDINANCE adopting the annual Water Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2001, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 6.)

Mr. Carder moved the adoption of Ordinance No. 35836-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

SEWERS AND STORM DRAINS-BUDGET: Mr. Carder offered the following emergency ordinance adopting the annual Sewage Treatment Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$10,698,200.00:

(#35837-051302) AN ORDINANCE adopting the annual Sewage Treatment Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 7.)

Mr. Carder moved the adoption of Ordinance No. 35837-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-ROANOKE CIVIC CENTER: Mr. Carder offered the following emergency ordinance adopting the annual Civic Center Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$5,735,254.00:

(#35838-051302) AN ORDINANCE adopting the annual Civic Center Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 8.)

Mr. Carder moved the adoption of Ordinance No. 35838-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-TRANSPORTATION FUND: Mr. Carder offered the following emergency ordinance adopting the annual Parking Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$2,438,171.00:

(#35839-051302) AN ORDINANCE adopting the annual Parking Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 9.)

Mr. Carder moved the adoption of Ordinance No. 35839-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-CAPITAL IMPROVEMENTS PROGRAM: Mr. Carder offered the following emergency ordinance adopting the annual Capital Projects Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$757,640.00.

(#35840-051302) AN ORDINANCE adopting the annual Capital Projects Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 11.)

Mr. Carder moved the adoption of Ordinance No. 35840-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-CITY INFORMATION SYSTEMS: Mr. Carder offered the following emergency ordinance adopting the annual Department of Technology Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$4,354,502.00.

(#35841-051302) AN ORDINANCE adopting the annual Department of Technology Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 12.)

Mr. Carder moved the adoption of Ordinance No. 35841-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-FLEET MAINTENANCE FUND: Mr. Carder offered the following emergency ordinance adopting the annual Fleet Management Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$6,012,839.00:

(#35842-051302) AN ORDINANCE adopting the annual Fleet Management Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 13.)

Mr. Carder moved the adoption of Ordinance No. 35842-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-RISK MANAGEMENT FUND: Mr. Carder offered the following emergency ordinance adopting the annual Risk Management Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$12,401,096.00:

(#35843-051302) AN ORDINANCE adopting the annual Risk Management Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 14.)

Mr. Carder moved the adoption of Ordinance No. 35843-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-SCHOOLS: Mr. White offered the following emergency ordinance adopting the annual School Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$101,423,210.00:

(#35844-051302) AN ORDINANCE adopting the annual School Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 15.)

Mr. White moved the adoption of Ordinance No. 35844-051302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-SCHOOLS: Mr. Carder offered the following emergency ordinance adopting the annual School Food Service Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$4,522,117.00:

(#35845-051302) AN ORDINANCE adopting the annual School Food Service Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 16.)

Mr. Carder moved the adoption of Ordinance No. 35845-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-GRANTS: Mr. Carder offered the following emergency ordinance adopting a portion of the annual Grant Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$179,673.00:

(#35846-051302) AN ORDINANCE adopting a portion of the annual Grant Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and declaring the existence of an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 17.)

Mr. Carder moved the adoption of Ordinance No. 35846-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

POLICE DEPARTMENT-PAY PLAN-BUDGET-FIRE DEPARTMENT-CITY EMPLOYEES: Mr. Carder offered the following ordinance which will be in full force and effect on July 31, 2002:

(#35847-051302) AN ORDINANCE to adopt and establish a Pay Plan for officers and employees of the City, effective July 1, 2002; providing for certain salary adjustments and merit increases; authorizing annual salary increments for certain officers and employees for use of private motor vehicles; authorizing annual salary increments for sworn police officers assigned to the Criminal Investigation Division; authorizing annual salary increments for certain members of the Fire-Emergency Medical Services Department who are certified as Emergency Medical Technicians; authorizing annual salary increments for certain members of the Fire-Emergency Medical Services Department who are members of the Regional Hazardous Materials Response Team; providing for continuation of a police career enhancement

program; providing for continuation of a Firefighter/Emergency Medical Technician merit pay program; providing for payment of a monthly stipend to certain board and commission members; repealing Ordinance No. 35344-050701, adopted May 7, 2001, to the extent of any inconsistency; and providing for an emergency and effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 18.)

Mr. Carder moved the adoption of Ordinance No. 35847-051302. The motion was seconded by Mr. Hudson and adopted by the following vote.

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that in order to receive Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) funding, the U. S. Department of Housing and Urban Development (HUD) requires that entitlement localities such as the City of Roanoke submit a five-year Consolidated Plan and Annual Updates.

It was further advised that on April 11, 2002, Council received the proposed 2002-03 Annual Update as part of the Recommended Resource Allocation Plan; the draft Annual Update was made available for public review and comment for the 30-day period that began April 11 and ended May 10, 2002; opportunities for citizen input were provided at three public hearings held on January 10, March 28, and April 29, 2002; and to ensure that the City's HUD fiscal year begins on July 1, 2002, HUD must receive the Annual Update on May 15, 2002; and funding for FY 2002-03 would be available from the following sources:

New 2002-03 HUD Entitlements	\$ 3,068,000.00
Estimated 2002-03 Program Income	450,034.00
Estimated Prior Year Excess Program Income	316,766.00
Estimated Prior Year Carry-over	<u>633,432.00</u>
Total HUD Funds	\$ 4,468,232.00

It was explained that the \$4.5 million in HUD funds indicated above will leverage as much as an additional \$4.8 million in other public and private funding; thus, total investment in those activities included in the Annual Update will be approximately \$9.3 million; whereupon, the City Manager recommended that she be authorized to submit the 2002-03 Consolidated Plan Annual Update to HUD for review and approval.

Mr. Carder offered the following resolution:

(#35848-051302) A RESOLUTION authorizing the City Manager to submit an approved Annual Update to the Consolidated Plan for FY 2002-2003 to the United States Department of Housing and Urban Development (HUD) for final review and approval, and authorizing execution of the appropriate documents for the acceptance of such funding.

(For full text of Resolution, see Resolution Book No. 66, page 22.)

Mr. Carder moved the adoption of Resolution No. 35848-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Hudson, Harris and Mayor Smith-----4.

NAYS: None-----0.
(Council Member Wyatt was absent.)

(Council Members Bestpitch and White advised that they are required to abstain from voting, pursuant to HUD regulations.)

BUDGET-CAPITAL IMPROVEMENTS PROGRAM: The City Manager submitted a communication advising that the Capital Improvement Program (CIP) for Fiscal Years 2003-2007 is a plan recommended for approval by Council for capital expenditures to be incurred over the next five years, in order to address priority long-term capital needs of the City of Roanoke; and the CIP reflects the current status of projects which have previously been approved and funded by Council, plus three new recommended projects, and is a revision to the Fiscal Years 2002-2006 Capital Improvement Program approved by Council on June 18, 2001.

It was further advised that on April 15, 2002, Council received the proposed Capital Improvement Program for Fiscal Years 2003-2007 as part of the Recommended Resource Allocation Plan; the Capital Improvement Program for Fiscal Years 2003-2007 is comprised of capital projects, with an estimated cost of project completion totaling \$298,192,974.00; and three new projects are included in the total that requires additional funding of \$49,300,000.00:

Civic Center Improvements - Phase II - \$14,941,020.00 - General Obligation Bonds totaling \$14.3 million would be issued to fund the project, with debt service being funded from a 1.5% increase in the Admissions Tax, a 5% Capital Improvements Fee charged on admission to events at the Civic Facilities Complex, and additional revenue from Civic Facilities operations.

Fire/EMS Facility Improvements - \$947,640.00 - City Council recently approved a new EMS Fee Schedule that will generate additional revenue totaling \$147,640.00 in FY 2003. This revenue would be used to supplement \$800,000.00 currently included in the CIP for land acquisitions, design and partial cash funding of the first of three stations to be constructed. A future bond issue would be needed to fund construction costs, with the Fire-EMS revenues being used to repay the debt.

Water Pollution Control - \$35,000,000.00 - Council has been briefed on the need for plant improvements to enhance wet weather capacity. While the project is still in its early stages, total cost is estimated to be \$35 million, with Roanoke's share being approximately \$17.5 million. Financing details are still being discussed, but an estimated 30% increase in sewer rates in FY 2004 will be needed to fund the debt service payments required for this project.

The City Manager recommended that Council authorize the following:

Approve the following new capital projects recommended in the CIP update, requiring additional funding of \$49,300,000.00:

**Civic Center Improvements - Phase II
\$14,941,020.00**

**Fire/EMS Facility Improvements
\$947,640.00**

**Water Pollution Control (City share of
project cost \$17,500,000)
35,000,000.00**

Appropriate \$757,640.00 included in the FY 2002-03 budget to the respective capital project accounts established by the Director of Finance for the following projects:

\$150,000.00 in the FY 2002-03 Transfers to an account to be established in the Capital Projects Fund for Bridge Maintenance Projects

\$147,640.00 in the FY 2002-03 to Capital Project Account (008-530-9678) for Fire/EMS Facility Improvements Program

\$150,000.00 in the FY 2002-03 to Capital Project Account (008-530-9736) for NPDES Phase II - Stormwater Management

\$310,000.00 in the FY 2002-03 Transfers to an account to be established in the Capital Projects Fund for Transportation Projects

Mr. Carder offered the following resolution:

(#35849-051302) A RESOLUTION endorsing the update to the Capital Improvement Program submitted by the City Manager and Director of Finance by letter of May 13, 2002.

(For full text of Resolution, see Resolution Book No. 66, page 23.)

Mr. Carder moved the adoption of Resolution No. 35849-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-TAXES-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that funding for Phase II of improvements of the Civic Center facility is recommended in the FY 2002-03 budget, including construction of 32,000 square feet of new exhibit space, dressing rooms, kitchen facilities and other improvements that will attract new events and increase attendance; and total cost of Phase II is approximately \$14.9 million and a \$14.3 million bond issue is recommended to fund the project.

It was further advised that in order to generate adequate revenues to service debt on a future \$14.3 million bond issue that will support Phase II improvements to the Civic Center, a 1.5 per cent increase in the City's Admissions Tax rate city-wide is being recommended in the 2002-03 budget; and the City administration further recommends that Council request the 2003 General Assembly to allow a higher tax on civic facilities only.

The City Manager recommended that Council adopt a ordinance amending Section 32-217 of the Code of the City of Roanoke (1979) as amended, increasing the admissions tax to 6.5%.

Mr. Carder offered the following ordinance:

(#35850) AN ORDINANCE amending §32-217, Levied rate, of Article IX, Admissions tax, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from five (5) per cent to six and one-half (6.5) per cent; dispensing with the second reading of this ordinance and providing for an effective date.

Mr. Carder moved the adoption of Ordinance No. 35850. The motion was seconded by Mr. Harris and lost by the following vote:

AYES: Council Members Bestpitch, White, Carder and Harris-----4.

NAYS: Council Member Hudson and Mayor Smith-----2.
(Council Member Wyatt was absent.)

Mr. Carder moved that Ordinance No. 35850 be amended by deleting the following words, "dispensing with the second reading of this ordinance". The motion was seconded by Mr. Bestpitch and adopted, Mayor Smith and Council Member Hudson voting no.

Mr. Carder moved that the following Ordinance be placed upon its first reading:

(#35850) An Ordinance amending §32-217, Levied rate, of Article IX, Admissions tax, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from five (5) percent to six and one-half (6.5) percent; and providing for an effective date.

The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, and Harris-----4.

NAYS: Council Member Hudson and Mayor Smith-----2.
(Council Member Wyatt was absent.)

ZONING-BUDGET-SUBDIVISIONS-FEE COMPENDIUM: The City Manager submitted a communication advising that in developing the budget for Fiscal Year 2002-2003, City departments were asked to reduce their budgets to help make up for the losses in state aid and find ways to re-engineer services to generate cost savings for their departments; departments were also asked to look at their fee structures and, where feasible, propose fee schedule changes that recover the cost of providing services and maintain uniformity between Roanoke and other localities; and accordingly, an increase in various fees administered by the Planning Building and Development Department is proposed.

It was further advised that the Planning Building and Development Department has recently completed a benchmarking effort to compare fees for services with other communities, along with a review of estimated labor costs for services; current fees do not cover all expenses and have not been adjusted for approximately ten years; and the recommended fee schedule attempts to recover costs of providing services and be competitive with other municipalities.

It was stated that along with increases in current fees to cover costs associated with providing these services, the Planning Building and Development Department is also recommending a new fee regarding requests for zoning classifications, allowed uses, and zoning compliance verification at a rate of \$150.00 per request; currently, when financial lending institutions request information regarding zoning and building violations on certain properties they are preparing to close on, the City conducts the research and prepares a written report free of charge; and other localities charge a fee as high as \$200.00 to cover the costs associated with the verification process.

The City Manager recommended that Council adopt an ordinance to amend the City's Fee Compendium to reflect changes in various fees.

Mr. Carder offered the following ordinance:

(#35851) AN ORDINANCE amending certain fees and charges, establishing certain new fees and charges with regard to subdivision and zoning fees, and amending the Fee Compendium, dispensing with the second reading of this ordinance, and providing for an effective date.

Mr. Carder moved the adoption of Ordinance No. 35851. The motion was seconded by Mr. Bestpitch.

Mr. Hudson advised that based upon the volume of e-mails and concerns that have been expressed to him, he could not support the proposed increase in fees because to do so will have an adverse effect on economic development.

Upon question, the City Manager advised that fees have not been increased in the City of Roanoke for approximately 10-15 years. She stated that the gist of the expressed concerns suggest that the increases will impact affordable housing in the City of Roanoke; however, she stated that she did not believe that was an accurate statement inasmuch as the City has more than sufficient affordable housing and the assumption that the increase in fees will cause the elimination of jobs in the construction industry, or the implication that a first time home buyer will not be able to purchase a home, is unfounded. She explained that the larger fees pertain to subdivision development and since the bulk of the City is already developed, subdivision fees would not be an issue. She stated that staff has responded to the direction of Council that the City's fees should be in line with neighboring jurisdictions; and in view of the fact that there have been no increases in fees over the last 10 - 15 years, that is a reasonable explanation for the proposed increases.

The Mayor advised that Roanoke City is different from Roanoke County in that Roanoke City needs development, the increased rates will be a burden on land development, and to support the ordinance would be an anti-development vote. He stated that staff time required to service the applications should be funded through the City's economic development funds. He added that the City is challenged for revenue, and inquired if a compromise can be reached on proposed fees, because adjusting the fees all at one time will send a negative message to potential developers.

Mr. Bestpitch advised that from his perspective, the Roanoke Valley Home Builders Association does not appear to have a negative impression of the fees charged by Roanoke County and the City of Salem, and the fees that Roanoke City is being requested to approve are in line with the fees in Roanoke County and Salem. He stated that there are a number of instances in Roanoke City, where, rather than address the fees on an incremental basis over a three to five year period and enact moderate adjustments, the City has allowed the fees to remain at the status quo for a number of years and then enacted a large change all at once. He advised that it is hoped the City is moving in a direction which will preclude placing this Council and future Councils in similar positions. He explained that when considering the proposed fees as a percentage of the total cost of the product that is to be ultimately offered to the consumer, the proposed increases are minuscule.

The City Manager advised that the fees before Council address special conditions and exceptions, such as applications to the Board of Zoning Appeals for processing certain items, applications for variances, amendments to conditions of conditional rezoning, appeals to the Board of Zoning Appeals of the Zoning Administrator's decision, and applications for rezoning to a single residential district designation, etc. She stated that while the fees help to balance the budget, they are not the major balancer of the City's revenues, but were intended to bring the City more into conformity with surrounding jurisdictions; and it is proposed to assess fees hereafter on an annual basis. She advised that she does not view the recommended fees as a disincentive to economic development in the City of Roanoke, and as City Manager, she would not make a recommendation to Council that would be against economic development.

Mr. Bestpitch moved that Ordinance No. 35851 be amended to delete the language "and dispensing with the second reading of this ordinance". The motion was seconded by Mr. Carder and adopted, Mayor Smith and Council Member Hudson voting no.

Mr. Harris advised that Council has been in the budget process for approximately 60 days and the time to have proposed changes or compromises was during budget study workshops. He stated that the Mayor did not make his concerns known during that time; therefore, on that basis, he called for the question.

Ordinance No. 35851, on its first reading, was adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder and Harris-----4.

NAYS: Council Member Hudson and Mayor Smith-----2.
(Council Member Wyatt was absent.)

BUDGET-SIGNS/BILLBOARDS/AWNINGS-FEE COMPENDIUM: Mr. Carder offered the following resolution amending certain fees and charges with regard to sign permits, and amending the Fee Compendium, as follows, effective July 1, 2002:

Permanent Sign	\$50.00
Temporary Sign	\$30.00

(#35852-051302) A RESOLUTION amending certain fees and charges with regard to sign permits, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 24.)

Mr. Carder moved the adoption of Resolution No. 35852-051302. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-TAXES: The City Manager submitted a communication advising that in the process of developing the Fiscal Year 2002-03 budget, each department was asked to consider means by which they could reduce their overall budget by decreasing expenditures and/or increasing revenues, which would help to mitigate the impact of decreases in state aid and generate needed savings throughout the organization; in addition, departments were asked to review current revenue structures and determine if alterations would be possible or feasible to generate additional revenue and more closely mirror other localities; and a number of proposed revenue changes are incorporated in the Fiscal Year 2002-2003 budget, and are reflected in budget ordinances presented for adoption for Fiscal Year 2002-03.

Elimination of Seller's Discounts

The City Treasurer and Manager of Billings and Collections have recommended the elimination of the Seller's Discount on Cigarette Taxes as well as the Seller's Discount on Prepared Food and Beverage Tax. Currently, Roanoke provides a seven per cent discount on the Cigarette Tax and a three per cent discount on the Prepared Food and Beverage Tax. This discount originated as an incentive to vendors to help offset the administrative cost of remitting tax collections to the City Treasurer. This incentive to vendors is no longer deemed to be necessary to promote vendor compliance. Based on a review of seven designated benchmark localities, Roanoke is one of five localities that offers a discount on the Cigarette Tax and one of four localities that offers a discount on the Prepared Food and Beverage Tax.

New Fees Authorized by the 2002 General Assembly

Senate Bill Number 693 has authorized localities to assess a sum not to exceed \$5.00 as part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. This sum is to be used to support courthouse security; however, these provisions expire on July 1, 2004.

Senate Bill Number 406 has authorized localities to charge a processing fee not to exceed \$25.00 to any individual admitted to a county or city jail following conviction. The funds are to be used by the local sheriff's office to defray the costs of processing arrested persons into local jails.

The General Assembly of Virginia has amended and reenacted the Code of Virginia to provide for required collection and DNA analysis of blood, saliva, or tissue of every person convicted of a felony offense. A fee of \$25.00 will be assessed as part of the costs of the criminal case resulting in the felony conviction and one-half of the fee will be paid to the General Fund of the state treasury. No action by the City is necessary for this fee to be implemented.

New Fees Authorized by the Code of Virginia

The Code of Virginia provides that any city may collect administrative costs associated with debts submitted to the Department of Taxation for the Set-off Debt Collection Program. The Code provides for a fee of \$25.00 per claim. Roanoke submits 31,000 claims per year to the State Department of Taxation as part of the set-off debt collection program, however, payment of the claims is dependent on whether the debtor files a tax return and has a refund that is not "offset" by other creditors or localities. The \$25.00 fee per claim will offset the four per cent administrative fee charged by the Commonwealth of Virginia for the set-off debt collection program. The Department of Billings and Collections recommends the institution of a fee of \$25.00 per claim.

The Code of Virginia also provides that any locality may collect a fee to cover the administrative costs of tax collection. The Code sets the fee at \$25.00 for taxes collected subsequent to judgment and at \$20.00 for taxes collected subsequent to filing a warrant or other legal document prior to judgment. The Department of Billings and Collection recommends the institution of the \$20.00 and \$25.00 fees for offset of administrative costs of delinquent tax collection.

Weed Lien Administrative Fee

Currently the City of Roanoke charges a \$100.00 administrative fee for the necessary abatement of weeds on private lots. The Code of Virginia allows for a fee of \$150.00 or 25% of the cost, whichever is less. The Department of Billings and Collections recommends that the Weed Lien Administrative Fee be adjusted to be in accordance with the Code of Virginia.

Interest Accrual Date for Delinquent Real Estate Tax

A change in the interest accrual date for delinquent real estate tax is recommended to be consistent with personal property tax. Currently, the first installment of current fiscal year Real Estate Tax is due October 5. A ten per cent late payment penalty is applied on October 6 if the tax remains unpaid, and interest charges begin accruing on July 1 of the next year. The second installment for the current fiscal year is due April 5 of the next year. A ten per cent late payment penalty is added on April 6 and interest charges do not begin until July 1. With personal property tax, interest begins accruing the first of the month following the tax due date. It is recommended that interest be applied to delinquent payments of real estate tax to begin accruing the first of the month following the tax due date, consistent with the method used for personal property.

Late Payment Penalty for Parking Tickets

Currently the late payment penalty for parking violations is \$10.00 and has remained at this level for a minimum of 20 years. The late payment penalty is added to violations paid ten days or more after issuance of the notice of violation. Since 1993, the fine for parking violations has

increased twice with no parallel increase in the late payment penalty for those fines. The Department of Billings and Collections recommends the increase of the Late Payment penalty for Parking Tickets from \$10.00 to \$15.00.

The City Manager recommended that Council adopt ordinances amending the City Code to reflect the above described changes in various discounts, fees, interest accrual dates and fines.

Mr. Carder offered the following ordinance:

(#35853-051302) AN ORDINANCE amending §32-192, Preparation and sale of stamps generally, of Article VIII, Cigarette tax, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to eliminate the discount for local cigarette dealers with respect to the purchase of tax stamps as currently provided in that section; dispensing with the second reading of this ordinance; and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 25.)

Mr. Carder moved the adoption of Ordinance No. 35853-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-TAXES: Mr. Carder offered the following ordinance repealing §32-291, Discount, of Article XIV, Tax on Prepared Food and Beverage, in order to eliminate the discount currently provided for sellers as compensation for the collection of taxes imposed by Article XIV, effective July 1, 2002.

(#35854-051302) AN ORDINANCE repealing §32-291, Discount, of Article XIV, Tax on Prepared Food and Beverage, in order to eliminate the discount currently provided for sellers as compensation for the collection of taxes imposed by this Article; dispensing with the second reading of this ordinance; and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 26.)

Mr. Carder moved the adoption of Ordinance No. 35854-051302. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson and Harris -----5.

NAYS: Mayor Smith-----1.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-FEE COMPENDIUM-COURTS FACILITY: Mr. Carder offered the following ordinance amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-21, Courtroom security assessment, providing for assessment by the City of a fee to provide funding of courthouse security personnel, pursuant to §53.1-120, Code of Virginia (1950), as amended, effective July 1, 2002.

(#35855-051302) AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-21, Courtroom security assessment, providing for assessment by the City of a fee to provide funding of courthouse security personnel, pursuant to §53.1-120, Code of Virginia (1950), as amended; dispensing with the second reading of this ordinance; and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 27.)

Mr. Carder moved the adoption of Ordinance No. 35855-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-CITY SHERIFF-FEE COMPENDIUM: Mr. Carder offered the following ordinance amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-22, Jail processing fee, providing for assessment by the City of a fee to provide funding to defray the costs incurred by the Sheriff's Department in processing arrested persons into local jails, pursuant to §15.2-1613.1, Code of Virginia (1950), as amended, effective July 1, 2002.

(#35856-051302) AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-22, Jail processing fee, providing for assessment by the City of a fee to provide funding to defray the costs incurred by the Sheriff's Department in processing arrested persons into local jails, pursuant to §15.2-1613.1, Code of Virginia (1950), as amended; dispensing with the second reading of this ordinance and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 28.)

Mr. Carder moved the adoption of Ordinance No. 35856-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

**NAYS: None-----0.
(Council Member Wyatt was absent.)**

CITY CODE-BUDGET-BILLINGS AND COLLECTIONS-FEE COMPENDIUM-SET-OFF DEBT COLLECTION: Mr. Carder offered the following ordinance amending Chapter 2, Administration, Article VIII, Finance generally, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-178.3, Recovery of administrative costs, providing for collection by the City of certain administrative costs associated with collection pursuant to the Setoff Debt Collection Act on any debt owed the City, such fee not to exceed \$25.00, pursuant to §58.1-520.1, Code of Virginia (1950), as amended; effective July 1, 2002.

(#35857-051302) AN ORDINANCE amending Chapter 2, Administration, Article VIII, Finance generally, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-178.3, Recovery of administrative costs, providing for collection by the City of certain administrative costs associated with collection pursuant to the Setoff Debt Collection Act on any debt owed the City, such fee not to exceed \$25.00, pursuant to §58.1-520.1, Code of Virginia (1950), as amended; dispensing with the second reading of this ordinance and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 28.)

Mr. Carder moved the adoption of Ordinance No. 35857-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-TAXES-DELINQUENT TAXES-REFUSE COLLECTION-WEED ABATEMENT PROGRAM: Mr. Carder offered the following ordinance amending Chapter 2, Administration, Article VIII, Finance generally, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §2-178.4, Assessment of delinquent taxpayers for administrative costs, providing for collection by the City of certain administrative costs to be assessed against delinquent taxpayers to defray costs associated with the collection process pursuant to §58.1-3958, Code of Virginia (1950), as amended; amending §33-22, Accounting for abatement costs, Article II, Weed and trash abatement, of Chapter 33, Vegetation and Trash, with respect to charges for administrative costs incurred in trash abatement, effective July 1, 2002.

(#35858-051302) AN ORDINANCE amending Chapter 2, Administration, Article VIII, Finance generally, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §2-178.4, Assessment of delinquent taxpayers for administrative costs, providing for collection by the City of certain administrative costs to be assessed against delinquent taxpayers to defray costs associated with the collection process pursuant to §58.1-3958, Code of Virginia (1950), as amended; amending §33-22, Accounting for abatement costs, Article II, Weed and trash abatement, of Chapter 33, Vegetation and Trash, with respect to charges for administrative costs incurred in trash abatement; and dispensing with the second reading of this ordinance and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 29.)

Mr. Carder moved the adoption of Ordinance No. 35858-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-TAXES-DELINQUENT TAXES-REAL ESTATE VALUATION: Mr. Carder offered the following ordinance amending §32-19, Penalty and interest on delinquencies - Generally, of Article II, Real Estate Taxes Generally, of Division II, Generally of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to change the time of commencement for calculating

interest on delinquent real estate taxes from July first of the tax year next following that for which such taxes are assessed to the first day of the month following the month in which such taxes are due, effective July 1, 2002.

(#35859-051302) AN ORDINANCE amending §32-19, Penalty and interest on delinquencies - Generally, of Article II, Real Estate Taxes Generally, of Division II, Generally of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to change the time of commencement for calculating interest on delinquent real estate taxes from July first of the tax year next following that for which such taxes are assessed to the first day of the month following the month in which such taxes are due; dispensing with the second reading of this ordinance and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 31.)

Mr. Carder moved the adoption of Ordinance No. 35859-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

CITY CODE-BUDGET-FEE COMPENDIUM-DISABLED PERSONS-PARKING FACILITIES-TRAFFIC: Mr. Carder offered the following ordinance amending and reordaining subsection (e) of §20-76, Parking spaces reserved for persons with disabilities, of the Code of the City of Roanoke (1979), as amended, and §20-89, Penalties for unlawful parking, of the Code of the City of Roanoke (1979), as amended, the amended sections to provide for an increase of certain penalties, and adjustment of certain other penalties, for unlawful parking within the City of Roanoke, effective July 1, 2002.

(#35860-051302) AN ORDINANCE amending and reordaining subsection (e) of §20-76, Parking spaces reserved for persons with disabilities, of the Code of the City of Roanoke (1979), as amended, and §20-89, Penalties for unlawful parking, of the Code of the City of Roanoke (1979), as amended, the amended sections to provide for increase of certain penalties, and the adjustment of certain others, for unlawful parking within the City of Roanoke; and providing for an emergency and for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 32.)

Mr. Carder moved the adoption of Ordinance No. 35860-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-FIRE DEPARTMENT-FEE COMPENDIUM: The City Manager submitted a communication advising that in developing the budget for Fiscal Year 2002-03, City departments were asked to reduce their budgets to help make up for the losses in state aid and find ways to re-engineer services to generate cost savings for their departments; and departments were also asked to look at their fee structures and, where feasible, propose fee schedule changes that maintain fee uniformity between Roanoke and other localities, while recovering the cost of providing services.

It was further advised that the recommended Fiscal Year 2002-03 budget incorporates a number of proposed fee structure changes recommended by the Department of Planning Building and Development, Fire-Emergency Medical Services, Solid Waste Management, and the Water Department, which proposed changes are reflected in budget ordinances presented for adoption for fiscal year 2002-03.

Fire-EMS Fees:

Based on the results of a recent cost audit, the Fire-EMS Department has recommended changes to fire safety inspection fees, fireworks and bonfire permits and system false alarm fees; fire safety inspections are performed to ensure the safety of the building occupants and the general public; routine fire safety inspections are performed free of charge; however, a fee is charged whenever a re-inspection is required to ensure corrections of safety violations; and adjustments to the fee schedule will enable the department to improve services and maintain fee uniformity between the City and its surrounding localities.

The revised permit fee schedule also allows Fire-EMS to recover costs associated with the enforcement of the fireworks and bonfire permits; a permit is required for firework displays and a bond may be required for a bonfire; an Assistant Fire Marshal, who may also conduct an on-site inspection, reviews each fireworks permit application; and Fire-EMS also has personnel on standby at bonfire events to ensure proper extinguishments.

A revised fee schedule is also recommended for system false alarms; and after conducting an analysis throughout the State of Virginia, Fire-EMS has developed the revised fee schedule in an attempt to encourage building owners to be more proactive in repairing system malfunctions, resulting in less repeat alarms from automatic electronic alarm systems.

Solid Waste Management

The current solid waste management fee structure for commercial and central business district customers generates \$40,000.00 to \$50,000.00 in annual revenue for a service that costs over \$300,000.00 for the City to provide; in an effort to be more representative of the cost of the solid waste collection services provided for commercial and central business district customers, a revised commercial collection fee is being recommended; this proposed fee structure would provide businesses one free collection per week, charge for additional collections, and partially recover the cost of additional pickups; and these businesses would then be provided a similar level of “free” service as residential customers.

Elevator Inspection Fees

After completing benchmarking with other localities and a review of estimated labor costs for conducting elevator inspections, the Department of Planning, Building and Development is recommending that the City discontinue providing elevator inspections; many other localities in the surrounding areas have already moved away from providing this service due to rising insurance costs related to the liability associated with certifying the inspection; this new system would require private building owners to have elevator inspections performed by approved outside agencies or individuals – an elevator inspection permit will be issued authorizing this inspection; a certificate of inspection prepared by the inspector will be submitted to the department, as verification of inspection and a database will be established to monitor compliance with state mandates; and city inspection staff would continue to inspect elevators in city-owned buildings.

Water Division Carvins Cove

With the rising recreational use of Carvins Cove, the Water Department is recommending several new fees for FY 2003 to offset increased maintenance costs related to increased usage; a new fee is recommended for all uses of the Carvins Cove facility, including hiking, biking, bank fishing, picnicking, horseback riding, and bird watching; and the new fee structure will enhance the vitality of the widely used natural reserve and reflect the actual cost of providing boat launch and boat rental services.

The City Manager recommended that Council adopt a resolution and amend the City's Fee Compendium to reflect the changes in various fees.

Mr. Carder offered the following resolution:

(#35861-051302) A RESOLUTION amending certain fees and charges with regard to fire safety reinspections, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 34.)

Mr. Carder moved the adoption of Resolution No. 35861-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-FIRE DEPARTMENT-SPECIAL PERMITS-FEE COMPENDIUM:
Mr. Carder offered the following resolution amending certain fees and charges with regard to fireworks and bonfire permits, amending the Fee Compendium, effective July 1, 2002.

(#35862-051302) A RESOLUTION amending certain fees and charges with regard to fireworks and bonfire permits, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 35.)

Mr. Carder moved the adoption of Resolution No. 35862-051302. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-FIRE DEPARTMENT-FEE COMPENDIUM: Mr. Carder offered the following resolution amending certain fees and charges with regard to fire system false alarms, and amending the Fee Compendium, effective July 1, 2002.

Mr. Carder offered the following resolution:

(#35863-051302) A RESOLUTION amending certain fees and charges with regard to fire system false alarms, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 36.)

Mr. Carder moved the adoption of Resolution No. 35863-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-REFUSE COLLECTION-FEE COMPENDIUM: Mr. Carder offered the following resolution amending certain fees and charges with regard to refuse collection service for the Central Business District and Commercial Districts outside the Central Business District, and amending the Fee Compendium, as follows, effective July 1, 2002:

<u>Central Business District</u>	<u>Monthly Fees</u>
Restaurant/Office/Financial	\$50.00
Specialty Retail/Health/Church/ Nonprofit	\$30.00
<u>Commercial Districts outside the Central Business District</u>	<u>Monthly Fees</u>
Restaurant/Office/Financial	\$10.00
Specialty Retail/Health/Church/Nonprofit	\$10.00

(#35864-051302) A RESOLUTION amending certain fees and charges with regard to refuse collection service for the Central Business District and Commercial Districts outside the Central Business District, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 37.)

Mr. Carder moved the adoption of Resolution No. 35864-051302. The motion was seconded by Mr. Bestpitch .

Vice-Mayor Carder advised that there are questions in regard to how the refuse collection fees will apply to larger offices versus smaller offices in the Central Business District, whereupon, the City Manager advised that between now and July 1, individual contacts will be made with downtown business owners. She stated that if a small business can place all of their trash in one toter, they will be entitled to the same once per week free collection that residents currently receive. She added that there are approximately 700 businesses in the Central Business District and staff will contact each business owner to set up the appropriate arrangement. She called attention to a trash compactor pilot program for downtown Roanoke which will allow businesses to compact garbage, and, over time, it is hoped that some businesses will not be subject to the fee schedule. She stated that the City's interest lies in ensuring that there is equity in the cost of refuse collection.

Resolution No. 35864-051302 was adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

**NAYS: None-----0.
(Council Member Wyatt was absent.)**

BUDGET-SPECIAL PERMITS-EQUIPMENT-ELEVATOR PERMITS: Mr. Carder offered the following resolution establishing a new fee and charge of \$25.00 with regard to elevator permits, and amending the Fee Compendium, effective July 1, 2002:

(#35865-051302) A RESOLUTION establishing a certain new fee and charge with regard to elevator permits, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 38.)

Mr. Carder moved the adoption of Resolution No. 35865-051302. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

BUDGET-FEE COMPENDIUM-WATER RESOURCES: Mr. Carder offered the following resolution amending certain fees and charges, and establishing certain new user fees and charges, in connection with use of the Carvins Cove Natural Reserve, and amending the Fee Compendium, as follows, effective July 1, 2002:

Service Charge:

Boat Launch Fees

Annual Permits

w/o motor - \$75.00
< 10 hp motor \$90.00

Daily Permits

w/o motor - \$5.00
< 10 hp motor \$9.00

Boat Rental:

14' Boats \$ 4.00 per hr.
\$ 8.00 (1/2 day - 5 hrs.)
\$14.00 per day
12' Boats \$ 3.00 per hr.
\$ 7.00 (1/2 day - 5 hrs.)
\$13.00 per day

Inspection Fees for Privately Owned Motors:

Electric \$1.00
Gasoline \$2.00

2. New user fees for all uses of the facility, with the exception of boating, charged at Carvins Cove Natural Reserve:

Service Charge:

Annual Permits per person \$30.00 (non-Roanoke City Residents)
\$15.00 (Roanoke City Residents)

Daily Permits Per Person \$ 2.00 (non-Roanoke City Residents)
\$ 1.00 (Roanoke City Residents)

(#35866-051302) A RESOLUTION amending certain fees and charges, establishing certain new user fees and charges, in connection with use of Carvins Cove Natural Reserve, amending the Fee Compendium, and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 66, page 38.)

Mr. Carder moved the adoption of Resolution No. 35866-051302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

**NAYS: None-----0.
(Council Member Wyatt was absent.)**

BUDGET-FEE COMPENDIUM-EROSION/SEDIMENT CONTROL: Mr. Carder offered the following ordinance amending the fee for review of erosion and sediment control plans, and amending the Fee Compendium, effective July 1, 2002, as follows:

Review of erosion and sediment control plan	\$100.00, Plus \$50.00 per acre, or any portion thereof
--	--

(#35867-051302) AN ORDINANCE amending the fee for review of erosion and sediment control plans, amending the Fee Compendium, dispensing with the second reading of this ordinance, and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 66, page 40.)

Mr. Carder moved the adoption of Ordinance No. 35867-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

**NAYS: None-----0.
(Council Member Wyatt was absent.)**

BUDGET-CITY EMPLOYEES-PENSIONS: The City Manager and the Director of Finance submitted a joint communication advising that eligible members of the City of Roanoke Pension Plan received a 3.0% cost-of-living adjustment (COLA) on July 1, 2001, which was the seventh consecutive COLA provided to eligible retirees; and following discussions with other municipal retirement systems, it is recommended, effective July 1, 2002, and payable on July 31, 2002, that a 2.6%

increase be provided to a member's or surviving spouse's annual retirement allowance; the increase does not apply to any incentive payments made under the Voluntary Retirement Incentive Program established by Ordinance No. 30473-41591, adopted April 15, 1991, or to the retirement supplement established by Ordinance No. 35327-050701, adopted May 7, 2001; and the increase applies to those retirees who retired on or before July 1, 2001.

It was explained that approximately 1,392 of the 1,454 retirees, or 96% of those receiving benefits as of April 30, 2002, will be eligible for the increase; average annual increase in retirement allowance is \$259.00, costing the pension fund an additional \$360,182.00 annually; actuarial cost of a 2.6% permanent COLA is estimated at \$3.2 million to be funded over the next 20 years through the annual payroll contribution rate; and all City operation funds, along with the Roanoke Valley Airport Commission, School Board, Roanoke Valley Resource Authority, Roanoke Valley Detention Commission, and the Commonwealth of Virginia will assume their pro rata share of cost for funding the COLA.

The City Manager and the Director of Finance recommended that Council adopt an ordinance granting a 2.6% cost of living raise for qualified retirees, effective July 1, 2002, and payable on July 31, 2002.

Mr. Carder offered the following emergency ordinance:

(#35868-051302) AN ORDINANCE providing for certain supplemental benefits under the City of Roanoke Pension Plan to certain members of such Plan and certain of their surviving spouses; providing for an effective date; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 41.)

Mr. Carder moved the adoption of Ordinance No. 35868-051302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

ACTS OF ACKNOWLEDGEMENT: Mr. Harris introduced a resolution paying tribute to the town and the townspeople of Crescent City, Florida, who, on Thursday, April 18, 2002, assisted passengers on an Amtrak Auto Train carrying 452 people which derailed just south of Crescent City, Florida, killing four and injuring many. He advised that Mr. William B. Robertson, founder of Camp Virginia Jaycee, Inc., in Blue Ridge, Virginia, and a friend to City Council, was one of the passengers injured;

and residents, merchants and students of Crescent City responded en masse to the scene of the crash, by offering comfort, relief and aid to Mr. Robertson and to the other victims in their hour of need.

Mr. Harris offered the following resolution:

(#35869-051302) A RESOLUTION paying tribute to the town and the townspeople of Crescent City, Florida.

(For full text of Resolution, see Resolution Book No. 66, page 43.)

Mr. Harris moved the adoption of Resolution No. 35869-051302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, White, Carder, Hudson, Harris and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was absent.)

There being no further business, the Mayor declared the special meeting adjourned at 3:05 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

RALPH K. SMITH
Mayor

June 17, 2002

The Honorable Vice-Mayor and
Members of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

I would like to request a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ralph K. Smith', written over a horizontal line.

Ralph K. Smith
Mayor

RKS:sm

June 2, 2002

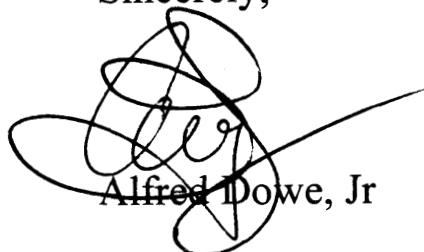
Dear Friends:

To say that I have GROWN over the past six years would be an understatement. To say that I have GROWN CLOSER to the citizens of our city would be an even greater understatement. To say, however, that I have a GREATER LOVE FOR THIS CITY, as a result of six years of growing closer to our citizens, would be completely accurate.

It is in this spirit, with mixed emotions, that I offer my resignations to the Roanoke Neighborhood Partnership Steering Committee and the Roanoke City Planning Commission.

I am very excited about the direction in which our city is headed, primarily because of the leaders that are within these two organizations. It's my hope and prayer that I can take what you taught me and help towards the continued progression of our city, as we draw even closer.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred Dowe, Jr.", with a large, stylized flourish extending from the end of the signature.

Alfred Dowe, Jr

**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

RALPH K. SMITH
Mayor

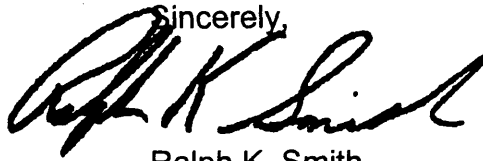
June 17, 2002

The Honorable Vice-Mayor and Members
Roanoke City Council
Roanoke, Virginia

Dear Vice-Mayor Carder and Members of Council:

I am transmitting an ordinance that will approve a minor revision in the order of our Council agenda to provide that Comments by the City Manager will be heard immediately following the Hearing of Citizens Upon Public Matters section of the agenda.

Your favorable consideration of a measure which has been drafted by our City Attorney will be appreciated.

Sincerely,

Ralph K. Smith
Mayor

RKS:MFP:sm

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Rule 7, *Order of business; hearing of citizens*, of §2-15, Rules of procedure, of the Code of the City of Roanoke (1979), as amended, to provide for reversing the order of Item 11, Comments of the City Manager, and Item 12, Hearing of Citizens, in order to have the City Manager's comments follow the Hearing of Citizens, effective July 1, 2002; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Rule 7, *Order of business; hearing of citizens*, of §2-15, Rules of procedure, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§2-15. Rules of procedure.

Pursuant to §8 of the Charter, providing for the determination of its rules by the council, the following rules set out in this section are adopted.

* * *

Rule 7. *Order of business; hearing of citizens*. In the ordinary transaction of business the following order shall be observed:

- (1) Roll call and call to order.
- (2) Presentations and acknowledgments by council.
- (3) Consent agenda.
- (4) Advertised public hearings, if any (such hearings shall be scheduled for the second meeting each month, unless otherwise authorized by council).
- (5) Petitions and communications (presentations on behalf of groups or organizations permitted during this time, if approved by two (2) members of council or scheduled by the city manager).
- (6) Reports of city officers.

- (7) Reports of committees.
- (8) Unfinished business.
- (9) Introduction and consideration of ordinances and resolutions.
- (10) Motions and miscellaneous business.
- (11) Hearing of citizens on public matters. The presiding officer may place reasonable time limits on speakers during such time.
- (12) Comments of city manager.

* * *

2. This ordinance shall be effective July 1, 2002.

3. Pursuant to §12 of the Roanoke City Charter, the second reading by title of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.

OFFICE OF CLERK OF CIRCUIT COURT

**TWENTY-THIRD JUDICIAL CIRCUIT
OF VIRGINIA**



Mary Jane Barrett
Chief Deputy
Jeanne M. Bailey - Criminal Adm.
Kathy S. Golladay - Civil Adm.

ARTHUR B. CRUSH, III
CLERK

**CIRCUIT COURT
OF THE CITY OF ROANOKE**

315 Church Avenue, S.W.
P.O. Box 2610
Roanoke, Virginia 24010
Criminal: (540) 853-6723
Civil: (540) 853-6702

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Compensation Board Technology Trust Funds

Background:

The Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments. These instruments include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders. These records must be maintained and be available to the public.

The Optical Character Recognition System, also known as the Records Management Indexing/Scanning System, currently being used to record the above-mentioned records can no longer facilitate the volume of records being scanned. There is a need for additional, compatible equipment that will allow several operators to perform like tasks simultaneously. This equipment is available through the Supreme Court of Virginia at a cost of \$63,424. Funding in the amount of \$63, 424 is available from the Compensation Board of Virginia-Technology Trust Fund.

Considerations:

The Clerk of Circuit Court has been granted \$63, 424 from the Compensation Board of Virginia-Technology Trust Fund for upgrades to and maintenance of the current recordation equipment. This Grant does not require a local match.

Recommended Action:

Authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board-Technology Trust Fund.

Authorize the Director of Finance to establish a revenue estimate in the amount of \$63,424 in the Grant Fund and appropriate funding to the expenditure account listed below:

9005 Furniture and Equipment (>\$5,000.00)	\$63,424
--	----------

Sincerely,



Arthur B. Crush, III, Clerk
Roanoke City Circuit Court

ABCIII:jec

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

I concur with the recommendation from Arthur B. Crush, III, Clerk of Roanoke City Circuit Court for the City of Roanoke, with respect to the subject referenced above and recommend that City Council authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board-Technology Trust Fund and authorize the Director of Finance to establish a revenue estimate and appropriate funding to the expenditure account.

Sincerely,

Darlene L. Burcham
City Manager

DLB:ca

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Judicial Administration	\$ 950,891
Compensation Board - Technology Trust Funds FY 2003 (1).	63,424

Revenues

Judicial Administration	\$ 950,891
Compensation Board - Technology Trust Funds FY 2003 (2).	63,424

1) Furniture and Equipment	(035-120-5143-9005)	\$ 63,424
2) State Grant Receipts	(035-120-5143-5145)	63,424

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the grant offer made to the City by the Compensation Board of Virginia and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the offer made to the City by the Compensation Board of Virginia-Technology Trust Fund in the amount of \$63,424, such grant being more particularly described in the letter of the Clerk of the Circuit Court, dated June 17, 2002, upon all the terms, provisions and conditions relating to the receipt of such funds.
2. The City Manager and the City Clerk, are hereby authorized to execute, seal and attest, respectively, the grant agreement and all necessary documents required to accept this grant, all such documents to be approved as to form by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required by the Compensation Board of Virginia in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.



June 17, 2002

The Honorable Mayor
and Members City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Lincoln Terrace Saturn Network to present the school district's partnership recognition at the regular meeting of City Council on Monday, June 17, 2002.

Sincerely,

Darlene L. Burcham
City Manager

DLB:ds



Roanoke
City Public Schools

School/Community Relations Office
P.O. Box 13145, Roanoke, Virginia 24031
Telephone: (540) 853-2816 • Fax: (540) 853-2817

May 28, 2002

Mrs. Mary Parker
Clerk, Roanoke City Council
City Municipal Building
Roanoke, Virginia

Dear Mary:

Lincoln Terrace Saturn Network would like to address City Council at the June 17, 2002 meeting at their 2:00 p.m. session. At this time, Lissy Merenda, Supervisor of School-Community Relations, Marketing and Partnerships, and school principal, Frieda Hines, will present the City Manager with the school district's partnership recognition. The teacher who coordinated the HOST Program at the school, Shirley Thomason, and a student who participated in HOST will thank the employees of the City who volunteered in the program and share regarding the impact that the program made for the students this year.

Sincerely,

Lissy Merenda
Supervisor, School-Community Relations



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of 2002-2003
Emergency Shelter Grant (ESG)
Program

Background:

ESG funds are allocated under the Stewart B. McKinney Homeless Assistance Act and must be used to provide assistance to the homeless or those at risk of becoming homeless. City Council authorized filing an ESG application through the submission of the Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2002-2003 on May 13, 2002, by Resolution No. 35848-051302.

Considerations:

HUD's approval letter, granting the City access to its 2002-2003 ESG entitlement of \$76,000, is completing the routine release process and is forthcoming. Acceptance of the entitlement and appropriation of all funds to the accounts indicated in Attachment A is needed to permit projects to proceed.

Recommended Actions:

1. Adopt a resolution accepting the \$76,000 in 2002-2003 ESG funds, contingent upon receipt of the approval letter from HUD.
2. Authorize the City Manager to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds, approved as to form by the City Attorney;

Honorable Mayor and Members of Council
June 17, 2002
Page 2

3. Appropriate \$76,000 entitlement to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, as detailed in Attachment A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham", written in a cursive style.

Darlene L. Burcham
City Manager

DLB:VST

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM02-00112

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002 – 2003 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002 – 2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follow, in part:

Appropriations

Health and Welfare	\$3,356,729
Emergency Shelter Grant FY03 (1-4).....	76,000

Revenues

Health and Welfare	\$3,356,729
Emergency Shelter Grant FY03 (5).....	76,000

1) Trust Shelter	(035-630-5173-5251)	\$25,000
2) RAM House	(035-630-5173-5252)	13,000
3) TAP Transitional Living Center	(035-630-5173-5253)	25,000
4) Roanoke Valley Interfaith Hospitality Network	(035-630-5173-5254)	11,000
5) Emergency Shelter Grant Fund FY03	(035-630-5173-5173)	76,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

SS
5/22/02

A RESOLUTION accepting the Fiscal year 2002-2003 funds for the Emergency Shelter Grant Program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Fiscal Year 2002-2003 funds for the Emergency Shelter Grant Program are hereby ACCEPTED, upon receipt of an approval letter from HUD.

2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD) for such funds, the Funding Approval, and any and all understandings, assurances and documents relating thereto, in such form as is approved by the City Attorney, as more particularly set out in the City Manager's letter to this Council dated June 17, 2002.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Acceptance of 2002-2003 HOME
 Investment Partnerships (HOME)
 Program Entitlement Grant and
 Appropriation of Funds

Background:

HOME is a housing assistance program of the U.S. Department of Housing and Urban Development (HUD). The City has received a HOME entitlement grant each year since FY 1992 and must reapply annually to HUD to receive such funding. On May 13, 2002, City Council authorized filing the 2002-2003 HOME application as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

Considerations:

The funding release process is underway, and HUD's letter of approval is forthcoming, granting the City access to its 2002-2003 HOME entitlement of \$751,000.00. In addition, \$286,204.00 unexpended from prior year accounts and \$10,000.00 in anticipated program income are included in this appropriation for FY 2002-2003 activities. Acceptance of these funds and appropriation to the accounts indicated in Attachments 1 and 2 are needed to permit projects to proceed. Acceptance of the 2002-2003 entitlement requires \$93,875.00 in local match; however, no outlays of City funds will be needed to meet this requirement.

Recommended Actions:

1. Adopt a resolution accepting the \$751,000.00 in 2002-2003 HOME funds, contingent upon receipt of the approval letter from HUD;

The Honorable Mayor and Members of Council
June 17, 2002
Page 2

2. Authorize the City Manager to execute the required Grant Agreement, Funding Approval, and any other documents required by HUD in order to accept the funds, such documents to be approved as to form by the City Attorney;
3. Appropriate \$761,000.00 to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, as detailed in Attachment 1; and
4. Transfer \$286,204.00 in HOME accounts from prior years to projects included in the 2002-2003 HOME program, as detailed in Attachment 2.

Respectfully submitted,



Darlene L. Burcham
City Manager

Attachments:

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM#02-00126

HOME Funds -- 2002/2003 Account Transfers

Account No.	Description	Amount
Transfers:		
035-090-5306-5346	Contingency	(\$920.00)
035-090-5306-5283	Washington Park / HOPE VI	\$920.00
035-090-5308-5346	Contingency	(\$91,775.00)
035-090-5308-5283	Washington Park / HOPE VI	\$91,775.00
035-090-5309-5346	Contingency	(\$37,692.00)
035-090-5309-5283	Washington Park / HOPE VI	\$37,692.00
035-090-5322-5346	Contingency	(\$94,161.00)
035-090-5322-5283	Washington Park / HOPE VI	\$94,161.00
035-090-5323-5320	Unprogrammed	(\$42,022.00)
035-090-5323-5283	Washington Park / HOPE VI	\$25,452.00
035-090-5323-5373	Bullitt-Jamison Project Reserve	\$16,570.00
035-090-5324-5320	Unprogrammed	(\$19,634.00)
035-090-5324-5373	Bullitt-Jamison Project Reserve	\$19,634.00
	Total Transfers	\$286,204.00

IN THE COUNCIL OF THE CITY OF ROANOKE

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Community Development - HOME Program	\$ 4,818,969
HOME Investment Partnership - FY03 (1, 2)	761,000
HOME Investment Partnership - FY02 (3-6)	772,634
HOME Investment Partnership - FY01 (7-11)	720,022
HOME Investment Partnership - FY00 (12-13)	677,000
HOME Investment Partnership - FY99 (14-15)	628,000

Revenues

Community Development - HOME Program	\$ 4,818,969
HOME Investment Partnership - FY03 (16-17)	761,000

1) Bullitt-Jamison		
Project Reserve	(035-090-5310-5373)	\$ 751,000
2) Bullitt-Jamison		
Project Reserve	(035-090-5325-5373)	10,000
3) Washington Park/		
HOPE VI	(035-090-5309-5283)	37,692
4) Contingency	(035-090-5309-5346)	(37,692)
5) Bullitt-Jamison		
Project Reserve	(035-090-5324-5373)	19,634
6) Unprogrammed-HOME	(035-090-5324-5320)	(19,634)
7) Washington Park/		
HOPE VI	(035-090-5308-5283)	91,775
8) Contingency	(035-090-5308-5346)	(91,775)

9) Washington Park/ HOPE VI	(035-090-5323-5283)	\$ 25,452
10) Bullitt-Jamison Project Reserve	(035-090-5323-5373)	16,570
11) Unprogrammed-HOME	(035-090-5323-5320)	(42,022)
12) Washington Park/ HOPE VI	(035-090-5322-5283)	94,161
13) Contingency	(035-090-5322-5346)	(94,161)
14) Washington Park/ HOPE VI	(035-090-5306-5283)	920
15) Contingency	(035-090-5306-5346)	(920)
16) Federal Grants Receipts	(035-090-5310-5310)	751,000
17) Program Income	(035-090-5325-5325)	10,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the Fiscal Year 2002-2003 funds for the HOME Investment Partnerships (HOME) Program, and authorizing the proper City officials to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Fiscal Year 2002-2003 funds for the HOME Program are hereby ACCEPTED, upon receipt of an approval letter from HUD.
2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Grant Agreement with HUD for such funds, the Funding Approval, and any and all understandings, assurances and documents relating thereto, in such form as is approved by the City Attorney, as more particularly set forth in the City Manager's letter to this Council dated June 17, 2002.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of 2002-2003
Community Development Block
Grant (CDBG) Program

Background:

CDBG is a program of the U. S. Department of Housing and Urban Development (HUD) which offers assistance to our community in many ways. The City has received CDBG entitlement grants each year since the inception of the program in 1974 and must submit an action plan annually to HUD to receive such funding. On May 13, 2002, by Resolution No. 35848-051302, City Council authorized filing the 2002-2003 CDBG application through submission of the Annual Update of the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2002-2003.

Considerations:

HUD's routine release process is underway, and the HUD approval letter is forthcoming, granting the City access to its 2002-2003 CDBG entitlement of \$2,241,000. In addition, \$663,994 unexpended from prior year accounts and \$440,034 in anticipated program income are also included in this appropriation for FY 2002-2003 programs. Acceptance of the entitlement and appropriation of all funds to the accounts indicated in Attachment A is needed to permit projects to proceed.

Recommended Actions:

1. Adopt a resolution accepting the \$2,241,000 in 2002-2003 CDBG funds, contingent upon receipt of the approval letter from HUD.
2. Authorize the City Manager to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds.

Honorable Mayor and Members of Council
June 17, 2002
Page 2

3. Appropriate \$2,241,000, entitlement, and \$440,034 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, as detailed in Attachment A; and
4. Transfer \$663,994 in CDBG accounts from prior years to projects included in the 2002-2003 CDBG program, as detailed in Attachment A.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:mtm

Attachment

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Frank Baratta, Budget Team Leader

CM02-00128

	A	B	C
1			
2	ITEMIZED EXPENDITURES FOR CDBG FISCAL YEAR 2002-2003		
3			
4	Account No.	Item Description	Amount
5			
6		EXPENDITURES	
7			
8		Housing	
9	035-G03-0320		
10	5003	CARE / Quick Response to Emergencies	\$168,842
11	5057	Empowering Individuals with Disabilities	\$40,000
12	5080	Helping Elderly Live Pleasantly	\$100,000
13	5108	Demolition	\$90,000
14	5354	Connect Four - BRHDC	\$36,246
15	5367	Down Payment Assistance / BRHDC "SPARC"	\$50,000
16	5368	Employer Assisted Housing Program	\$150,143
17	5369	Southeast Pilot Project - RRHA	\$447,302
18			
19		Subtotal	\$1,082,533
20			
21			
22		Planning	
23	035-G03-0321		
24	5284	Fair Housing Activities	\$25,000
25	5288	Small Business Counseling & Development Prog.	\$25,000
26			
27		Subtotal	\$50,000
28			
29			
30		Economic Development Projects	
31	035-G03-0330		
32	5021	Small Business Development Center / CBDI	\$105,000
33	5286	Greater Gainsboro Development Project	\$461,060
34	5370	Venture Out	\$105,000
35			
36		Subtotal	\$671,060
37			
38			
39		Neighborhood Projects	
40	035-G03-0337		
41	5249	Melrose/Rugby - MG	\$2,000
42	5257	Loudon/Melrose - MG	\$2,000
43	5357	Southeast Action Forum - MG	\$2,000
44	5245	Loudon/Melrose - NDG	\$10,000

	A	B	C
48	5249	Melrose/Rugby Neighborhood Forum - NDG	\$4,500
49	5361	Neighborhood Development Grant - Lead Base Paint Resv.	\$5,000
49	5371	Hurt Park - MG	\$2,000
48	5122	Mini-Grants	\$27,500
49	5296	Lincoln 2000 Infrastructure	\$295,000
50	5297	McCray Court Senior Complex	\$165,777
51			
52		Subtotal	\$515,777
53	Account No.	Item Description	Amount
54			
55		Human Development Programs	
56	035-G03-0338		
57	5057	Empowering Individuals with Disabilities	\$25,000
58	5067	TAP This Valley Works CET	\$25,000
59	5084	Apple Ridge Farms	\$26,000
60	5152	YMCA Learning Center	\$25,000
61	5158	Emergency Assistance Fund	\$35,000
62	5160	West End Center	\$27,000
63	5169	YMCA Magic Place at Hurt Park	\$39,611
64	5222	Resource Mothers	\$32,237
65	5263	Business Training Initiative	\$25,000
66	5350	YWCA Youth Club	\$25,000
67	5299	CHIP Family Strengthening & Support	\$26,816
68	5372	Presbyterian Family Services / Pathways	\$50,000
69			
70		Subtotal	\$361,664
71			
72		TOTAL EXPENDITURES	\$2,681,034
73			
74			
75			
76			
77		REVENUE	
78			
79	035-G03-0300-2201	CDBG Entitlement	\$2,241,000
80	2203	Other Program Income - RRHA	\$24,989
81	2206	Cooper Industries (UDAG)	\$13,333
82	2207	Parking Lot Income - Williamson Road (UDAG)	\$60,000
83	2217	Sands Woody Loan Repayment	\$6,722
84	2220	SRO Loan to TAP	\$5,618
85	2222	Homeownership Assistance	\$10,000
86	2231	Lagniappe Loan Repayment	\$7,620
87	2232	KDL Investments Loan Repayment	\$9,964
88	2233	Downtown Associates	\$1,758

	A	B	C
89	2234	Hotel Roanoke Loan Repayment	\$290,030
90	2240	Rental Rehab Repay	\$10,000
91			
92		TOTAL REVENUE	\$2,681,034
93			
94			
95			
96		CDBG ACCOUNT TRANSFERS	
97			
98	Account No.	Item Description	Amount
99			
100		Increase	
101	035-G01-0130-5135	Hotel Roanoke 108 Loan Repayment	\$127,923
102	035-G02-0230-5135	Hotel Roanoke 108 Loan Repayment	\$424,098
103		Total Hotel Roanoke 108 Loan Repayment - \$552,021	
104	035-G02-0237-5297	McCray Court Senior Complex	\$111,973
105			
106		Total Transfer Increases	\$663,994
107			
108	Account No.	Item Description	Amount
109		Decrease	
110	035-G01-0140-5184	Unprogrammed CDBG - carryover funds	\$24,875
111	035-G01-0140-5189	Unprogrammed CDBG - Other	\$6,668
112	035-G01-0140-5197	Unprogrammed CDBG - RRHA	\$96,380
113	035-G02-0240-5184	Unprogrammed CDBG - carryover funds	\$150,143
114	035-G02-0241-5184	Unprogrammed CDBG - carryover funds	\$193,745
115	035-G02-0240-5188	Unprogrammed CDBG - 108	\$44,620
116	035-G02-0240-5189	Unprogrammed CDBG - Other	\$70,998
117	035-G02-0240-5197	Unprogrammed CDBG - RRHA	\$76,565
118			
119		Total Transfer Decreases	\$663,994
120			
121			
122			
123			
124	\\otus\work\02_03approp		

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Community Development Block Grant FY03 (1-35).....	\$2,681,034
Community Development Block Grant FY02 (36-42).....	3,540,990
Community Development Block Grant FY01 (43-46).....	3,107,187

Revenues

Community Development Block Grant FY02 (47-58).....	\$2,681,034
---	-------------

1) CARE/Quick Response to Emergencies	(035-G03-0320-5003)	\$168,842
2) Empower Individuals with Disabilities	(035-G03-0320-5057)	40,000
3) Helping Elderly Live Pleasantly	(035-G03-0320-5080)	100,000
4) Demolition	(035-G03-0320-5108)	90,000
5) Connect Four-BRHDC Phase II	(035-G03-0320-5354)	36,246
6) Down Payment Assistance / BRHDC "SPARC"	(035-G03-0320-5367)	50,000
7) Employer Assisted Housing Program	(035-G03-0320-5368)	150,143

8) Southeast Pilot Project RRHA	(035-G03-0320-5369)	\$447,302
9) Fair Housing Activities	(035-G03-0321-5284)	25,000
10) Small Business Counseling & Develop. Program	(035-G03-0321-5288)	25,000
11) Small Business Develop. Center / CBDI	(035-G03-0330-5021)	105,000
12) Greater Gainsboro Devel. Project	(035-G03-0330-5286)	461,060
13) Venture Out	(035-G03-0330-5370)	105,000
14) Melrose/Rugby – MG	(035-G03-0337-5249)	2,000
15) Loudon/Melrose – MG	(035-G03-0337-5257)	2,000
16) Southeast Action Forum	(035-G03-0337-5357)	2,000
17) Loudon/Melrose – NDG	(035-G03-0337-5245)	10,000
18) Melrose/Rugby –NDG	(035-G03-0337-5249)	4,500
19) Neighborhood Develop. Lead Based Paint Resv.	(035-G03-0337-5361)	5,000
20) Hurt Park – MG	(035-G03-0337-5371)	2,000
21) Mini-Grants	(035-G03-0337-5122)	27,500
22) Lincoln 2000 Infrastructure	(035-G03-0337-5296)	295,000
23) McCray Court Senior Complex	(035-G03-0337-5297)	165,777
24) Empowering Individuals with Disabilities	(035-G03-0338-5057)	25,000
25) TAP This Valley Works CET	(035-G03-0338-5067)	25,000
26) Apple Ridge Farms	(035-G03-0338-5084)	26,000
27) YMCA Learning Center	(035-G03-0338-5152)	25,000
28) Emergency Assistance Fund	(035-G03-0338-5158)	35,000
29) West End Center	(035-G03-0338-5160)	27,000
30) YMCA Magic Place at Hurt Park/Morningside	(035-G03-0338-5169)	39,611
31) Resource Mothers	(035-G03-0338-5222)	32,237
32) Business Training Initiative	(035-G03-0338-5263)	25,000
33) YWCA Youth Club	(035-G03-0338-5350)	25,000
34) CHIP Family Strengthening & Support	(035-G03-0338-5299)	26,816
35) Presbyterian Family Services / Pathways	(035-G03-0338-5372)	50,000
36) Hotel Roanoke 108 Loan Repayment	(035-G02-0230-5135)	424,098
37) McCray Court Senior Complex	(035-G02-0237-5297)	111,973
38) Unprogrammed CDBG - Carryover Funds	(035-G02-0240-5184)	(150,143)

39) Unprogrammed CDBG - Section 108	(035-G02-0240-5188)	\$ (44,620)
40) Unprogrammed CDBG - Other	(035-G02-0240-5189)	(70,998)
41) Unprogrammed CDBG - RRHA	(035-G02-0240-5197)	(76,565)
42) Unprogrammed CDBG - Carryover Funds	(035-G02-0241-5184)	(193,745)
43) Hotel Roanoke 108 Loan Repayment	(035-G01-0130-5135)	127,923
44) Unprogrammed CDBG - Carryover funds	(035-G01-0140-5184)	(24,875)
45) Unprogrammed CDBG - Other	(035-G01-0140-5189)	(6,668)
46) Unprogrammed CDBG - RRHA	(035-G01-0140-5197)	(96,380)
47) CDBG Entitlement	(035-G03-0300-2201)	2,241,000
48) Other Program Income - RRHA	(035-G03-0300-2203)	24,989
49) Cooper Industries (UDAG)	(035-G03-0300-2206)	13,333
50) Parking Lot Income - Williamson Road (UDAG)	(035-G03-0300-2207)	60,000
51) Sands Woody Loan Repayment	(035-G03-0300-2217)	6,722
52) SRO Loan to TAP	(035-G03-0300-2220)	5,618
53) Homeownership Assistance	(035-G03-0300-2222)	10,000
54) Lagniappe Loan Repayment	(035-G03-0300-2231)	7,620
55) KDL Investments Loan Repayment	(035-G03-0300-2232)	9,964
56) Downtown Associates	(035-G03-0300-2233)	1,758
57) Hotel Roanoke Loan Repayment	(035-G03-0300-2234)	290,030
58) Rental Rehab Repay	(035-G03-0300-2240)	10,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall
be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the Fiscal Year 2002-2003 funds for the Community Development Block Grant program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Fiscal Year 2002-2003 funds for the Community Development Block Grant program are hereby ACCEPTED, upon receipt of an approval letter from HUD.
2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Grant Agreement with the United States Department of Housing and Urban Development for such funds, the Funding Approval, and any and all understandings, assurances and documents relating thereto, in such form as is approved by the City Attorney, as more particularly set out in the City Manager's letter to this Council dated June 17, 2002.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award
 Metropolitan Area Network
 SONET Ring Equipment
 Bid No. 02-02-15

Background:

The City currently has a fiber optic based metropolitan area network, which was implemented in 1998/99. The current equipment was installed at that time to support our token ring environment. The City is currently migrating to an all Ethernet and TCP/IP network environment. Upgrading to a **Symmetrical Optical Network (SONET)** will position the City to better utilize the investment made in the fiber network and allow for implementation of new technologies over the fiber infrastructure such as faster data transmission, video conferencing and voice transmission capabilities on the network for a telephone system solution that will be implemented in October.

An Invitation for bid for Metropolitan Area Network SONET Ring Equipment was issued on March 20, 2002. Six (6) bids were received on Friday, April 12, 2002 with The Presidio Corporation, 5100-J Philadelphia Way, Lanham, MD 20706 submitting the low bid in the amount of \$683,905.67. (See attached bid tabulation.)

Funding is available in the amount of \$487,000 in account 013-430-9854-9003, Expansion of Network Capacity and in the amount of \$196,905 in account 013-430-9860 -9003, Network Storage Management.

Honorable Mayor and Members of Council
June 17, 2002
Page 2

Recommended Action:

Authorize the City Manager to accept the bid from The Presidio Corporation for the Metropolitan Area Network SONET Ring Equipment in the amount of \$683,905 .67 and reject all other bids. Transfer funding of \$196,906 from account 013-430-9860-9003 to 013-430-9854-9003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent.

Darlene L. Burcham
City Manager

DLB:js

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Joe D. Slone, Director of Technology

#CM02-00115

Optical Ethernet Sonet Ring Equipment Quotes

Vendor	Equipment	Nortel Install	Add. Services	Total Equip. & Install
The Presidio Corp.	\$ 576,225.67	\$ 106,000.00	\$ 1,680.00	\$ 683,905.67
Verizon	\$ 587,245.25	\$ 114,519.57	\$ 3,760.00	\$ 705,524.82
SBC Communications, Inc.	\$ 584,607.27	\$ 123,950.00	\$ 20,500.00	\$ 729,057.27
NextiraOne Solutions, LLC	\$ 657,752.32	\$ 114,000.00	\$ 45,154.00	\$ 816,906.32
Sprint	\$ 656,832.07	\$ 123,950.00	\$ 1,713.99	\$ 782,496.06
TDS Telecom	\$ 756,055.86	\$ 133,866.00	\$ 8,160.00	\$ 898,081.86

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Department of Technology Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Department of Technology Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay		\$ 11,490,814
Expansion of Network Capacity (1).		683,906
Disaster Recovery and Network Storage Management (2).		53,094
1) Appropriated from		
General Revenue	(013-430-9854-9003)	\$ 196,006
2) Appropriated from		
General Revenue	(013-430-9860-9003)	(196,006)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

DK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the bid of The Presidio Corporation for the purchase and installation of the Metropolitan Area Network SONET Ring Equipment, upon certain terms and conditions; and rejecting all other bids.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The bid submitted by The Presidio Corporation in the amount of \$683,905.67, to furnish and install Metropolitan Area Network SONET Ring Equipment, as set forth in the City Manager's letter to Council dated June 17, 2002, is hereby ACCEPTED.
2. The City Manager is authorized to execute, for and on behalf of the City, any required purchase agreements with respect to the aforesaid equipment, such documents to be in form approved by the City Attorney.
3. Any and all other bids made to the City for the aforesaid items are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award
Three Year Bridge Inspection
Program (2002 – 2004)
Proposal No. 02-01-09

The 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program. Bridge Inspection Reports are required on 66 structures in the City of Roanoke this year. Thirty-one structures are inspected annually while 35 structures are inspected bi-annually. The Federal Highway Administration has established a new requirement that overhead sign structures are to be inspected. Fifteen of these structures exist within the City. One tunnel also needs to be inspected.

Request for Proposals for the necessary technical inspection and reports were publicly advertised and received from the following firms: Hayes, Seay, Mattern & Mattern, Inc.; L.A. Gates Company; and Mattern & Craig, Inc.

A selection committee consisting of Philip Schirmer, City Engineer; Kenneth King, Manager of Streets and Traffic; and Jan Bruce, Engineering Technical Supervisor, conducted interviews with all three firms.

The complexity of bridge inspections led the staff to select two qualified firms to complete the work by apportioning it among two firms. Negotiations were conducted with the two most qualified firms (Hayes, Seay, Mattern & Mattern, Inc. and Mattern & Craig, Inc.) for the necessary technical inspections and reports. Both firms have agreed to contracts for the first year with up to two additional one year extensions. Hayes, Seay, Mattern & Mattern, Inc. has agreed to inspect 30 bridges and 15 overhead signs for the cost of \$71,200. Mattern & Craig, Inc. has agreed to inspect 36 bridges and one tunnel for the cost of \$60,600.

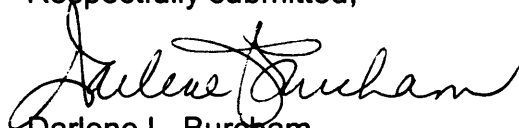
Funding in the amount of \$131,800 is available for the first year contracts in account number 001-530-4310-3072 in the Fiscal Year 2002-03 budget.

Honorable Mayor and Members of Council
June 17, 2002
Page 2

Recommended Action:

Authorize the City Manager to execute separate Contracts for Consulting Services for the above work with Hayes, Seay, Mattern & Mattern, Inc. and Mattern & Craig, Inc. in the amounts of \$71,200 and \$60,600, respectively, for the first year (2002) for bridge and overhead sign structure and tunnel inspection services. These contracts may be extended for two additional one-year terms at the option of the City of Roanoke.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/JGB/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00117

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with Hayes, Seay, Mattern & Mattern, Inc. for engineering services for the inspection of 30 bridges and 15 overhead signs and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004).

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, a contract with Hayes, Seay, Mattern & Mattern, Inc. in the amount of \$71,200 for engineering services for the inspection of 30 bridges and 15 overhead signs and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004), as described in the City Manager's letter to this Council dated June 17, 2002.

2. The form of the contract shall be approved by the City Attorney, all as more particularly set forth in the City Manager's letter to this Council dated June 17, 2002.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with Mattern & Craig, Inc. for engineering services for the inspection of 36 bridges, one tunnel, and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004).

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, a contract with Mattern & Craig, Inc. in the amount of \$60,600 for engineering services for the inspection of 36 bridges, one tunnel, and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004), as described in the City Manager's letter to this Council dated June 17, 2002.

2. The form of the contract shall be approved by the City Attorney, all as more particularly set forth in the City Manager's letter to this Council dated June 17, 2002.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor,
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Summer Food Appropriation

Background:

The City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Office on Youth supervised Summer Nutrition Program.

Breakfast and lunch are provided to children throughout the City from mid-June through early August. More than 2,300 children/youth received lunch and/or breakfast on a daily basis at eighteen sites during the summer of 2001 (Attachment 1).

Funds for the program, now in its ninth year, are provided through the United States Department of Agriculture Food and Nutrition Service. It is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year. The purpose is to provide nutritionally balanced healthy meals to children ages one through eighteen. Adult, summer staff manages the program and youth are hired to assist at the feeding locations. The City is reimbursed on a per meal basis.

Local cash match in the amount of \$15,000.00 was appropriated in the FY03 General Fund budget in Human Services Support budget account 001-630-1270-2010.

Honorable Mayor and Members of City Council
June 17, 2002
Page 2

Recommended Action(s):

Authorize the City Manager to accept the projected federal funds of \$151,193 from the United States Department of Agriculture Food and Nutrition Service. Decrease the FY03 Human Services Support account 001-630-1270-2010 by \$15,000 and increase the FY03 budget estimate for the Transfer to Grant Fund account 001-250-9310-9535 by \$15,000. Transfer \$15,000 local cash match to the grant fund. Authorize the Director of Finance to establish a revenue estimate in the amount of \$151,193, and appropriate funds to expenditure accounts listed in Attachment 1.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:MVH:pr

Attachment 1

cc: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Rolanda A. Johnson, Assistant City Manager for Community Development
Glenn D. Radcliffe, Director of Human/Social Services
Steven C. Buschor, Director of Parks and Recreation
Wlodek Zaryczny, Director of Libraries
Marion Vaughn-Howard, Program Manager, Office on Youth/Community Ed.

#CM02-00103

Attachment 1

Budget Breakdown

1004	Temporary Wages	
1120	FICA	
2066	Program Activities	
	TOTAL	

Summer Food Sites

1. Apple Ridge Farms, Cooper Hill (off-site center)
2. Blue Stone Housing Project
3. Eureka Park Recreation Center
4. Hunt Manor Housing Project
5. Hurt Park Housing Project
6. Indian Rock Village Housing Project
7. Jamestown Place Housing Project
8. Lansdowne Housing Project
9. Lincoln Terrace Housing Project
10. Jackson Park Recreation Center
11. Rutherford Head Start Center
12. Salvation Army
13. Noel C. Taylor Academy/Job Training Sites
14. YMCA Family Center
15. 9th Street Boys & Girls Club
16. Roanoke Academy of Math & Science
17. Garden City Elementary School
18. Huff Lane Elementary School

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Grant Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Health and Welfare	\$ 27,480,383
Human Services Support (1)	140,887
Nondepartmental	\$ 69,615,968
Transfers to Other Funds (2)	68,624,026

Grant Fund

Appropriations

Health and Welfare	\$ 3,477,917
Summer Food Program FY03 (3-5)	166,193

Revenues

Health and Welfare	\$ 3,477,917
Summer Food Program (6-7)	166,193

1) Fees For Professional Service	(001-630-1270-2010)	\$ (15,000)
2) Transfer to Grant Fund	(001-250-9310-9535)	15,000
3) Temporary Employee Wages	(035-630-5187-1004)	29,850

4) FICA	(035-630-5187-1120)	\$ 1,136
5) Program Activities	(035-630-5187-2066)	135,207
6) Federal Grant Receipts	(035-630-5187-5189)	151,193
7) Local Match	(035-630-5187-5189)	15,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

OK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of reimbursement from USDA Food and Nutrition Service on behalf of the City for program costs for the implementation of the summer program, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. Funding from the USDA Food and Nutrition Service, in the amount of \$151,193.00 for coordinated planning and program implementation of the Summer Food Service Program, as set forth in the City Manager's letter, dated June 17, 2002, to this Council, are hereby ACCEPTED.

2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of this grant and to furnish such additional information as may be required in connection with the City's acceptance of the foregoing funds. All documents shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Funding Request For
Consulting Services for
Design of Four Water
Distribution System
Improvement Projects

Utility Department staff have identified four projects to improve water system reliability and increase service conditions to the citizens of Roanoke. These projects include 1) a pump station and associated water main improvements to increase service to Mill Mountain and the neighborhoods bounded by Walnut Avenue and Hamilton Terrace; 2) water transmission main improvements to: Orange Avenue, N.W.; Hollins Road, N.E.; and Brambleton Avenue, S.W.

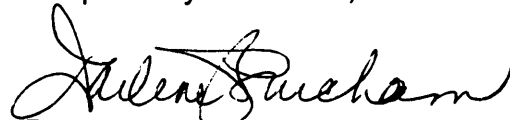
Proposals were received from 10 engineering firms. Three (3) firms were short listed and interviewed. Mattern & Craig, Inc., a local engineering firm, was selected. City staff have negotiated acceptable agreements for the above work in the form of a lump sum fee for the four (4) projects as follows: Mill Mountain Service Line \$58,876; Orange Avenue \$30,265; Hollins Road \$70,055; and Brambleton Avenue \$33,310. Funding is available from retained earnings in the Water Fund but funds need to be appropriated by Council. The City Manager already has authority to execute each contract since each is within her authority as provided in the City Code.

Honorable Mayor and Members of Council
Design of Water Distribution System Improvements
June 17, 2002
Page 2

Recommended Action:

Appropriate \$192,506 from Water Fund retained earnings to accounts to be established to provide design and consulting services for the four Water System Distribution Improvement projects.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darlene L. Burcham', written in a cursive style.

Darlene L. Burcham
City Manager

DLB:je

c: George C. Snead, Jr., Assistant City Manager for Operations
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Michael McEvoy, Director of Utilities
Jesse Perdue, Water Division Manager

Council Letter #CM02-00122

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Water Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Water Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay	\$ 8,426,699
Mill Mountain Service Area Improvements (1)	58,876
Orange Avenue Waterline Replacement (2)	30,265
Hollins Road Waterline Replacement (3)	70,055
Brambleton Avenue Waterline Replacement (4)	33,310

Retained Earnings

Retained Earnings - Available for Appropriation (5) \$ 2,978,494

1) Appropriated from		
General Revenue	(002-530-8409-9003)	\$ 58,876
2) Appropriated from		
General Revenue	(002-530-8410-9003)	30,265
3) Appropriated from		
General Revenue	(002-530-8411-9003)	70,055
4) Appropriated from		
General Revenue	(002-530-8412-9003)	33,310
5) Retained Earnings -		
Available for		
Appropriation	(002-3348)	(192,506)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall
be in effect from its passage.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Funds Transfer
 Design for Various Stormwater
 Management Projects
 Proposal No. 01-08-18

The procedure for preparing a project for construction is a lengthy process due to the time required to complete the design, finalize the construction documents and acquire the necessary property or easements. Funding of \$2.0 million for the construction of storm drain projects is planned in the next general obligation bond issue expected to be issued in approximately FY04. In order to be proactive, the Engineering Division is moving forward with the design of numerous storm drain projects so that construction can begin soon after funding is available.

Request for proposals were sent to twelve engineering firms who were invited to submit their qualifications. Eight of these firms were interviewed and six firms were selected to provide design services. The CIP Storm Drainage Projects List has been reviewed and the following highest rated priority projects have been selected for design:

PROJECT	DESIGN FIRM	ESTIMATED DESIGN COSTS
1528 Cove Road Trevino Drive Phase II	Draper Aden Associates, Inc. 2206 South Main Street Blacksburg, Virginia 24060	\$ 30,000
Westover Avenue (2500 Block) Harvest Lane Drainage Project	Anderson & Associates of Virginia, Inc. 100 Ardmore Street Blacksburg, Virginia 24060	\$ 30,000
4457 Ohio Street 3132 Courtland Avenue (800 Block Queen Avenue, 3100 Block Lyndhurst Street)	Caldwell-White Associates, PLC 4203 Melrose Avenue, N.W. Roanoke, Virginia 24017	\$ 30,000
4501 & 4513 Narrows Lane	LMW, P.C. 102 Albemarle Avenue, S.E. Roanoke, Virginia 24013	\$ 15,000
Ore Branch Channel Stabilization	Hayes, Seay, Mattern & Mattern, Inc. 1315 Franklin Road, S.W. Roanoke, Virginia 24016	\$ 30,000
RCIT Detention Maintenance at Cooper Industries RCIT Detention Maintenance at Orvis/Elizabeth Arden	Engineering Concepts, Inc. 20 South Roanoke Street Fincastle, Virginia 24090	\$ 30,000
Moomaw Heights 738 Windsor Avenue	LMW, P.C. 102 Albemarle Avenue, S.E. Roanoke, Virginia 24013	\$ 30,000

Honorable Mayor and Members of Council
June 17, 2002
Page 2

The cost to fund the design the above list of storm drain projects is \$195,000. Funding is available in Public Improvement Bonds-Series 1999, account number 008-052-9709-9176.

Recommended Action:

Transfer \$195,000 from account number 008-052-9709-9176, Public Improvement Bonds-Series 1999, to new capital projects accounts to be established by the Director of Finance.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/CAB/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00119

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Storm Drains	\$ 2,847,131
Trevino Drive Phase II Design Fees (1)	30,000
Harvest Lane Drainage Project Design Fees (2).	30,000
Ohio Street/Courtland Avenue Design Fees (3).	30,000
Narrows Lane Project Design Fees (4)	15,000
Ore Branch Channel Stabilization Design Fees (5)	30,000
RCIT Detention Maintenance Design Fees (6).	30,000
Moomaw Heights Project Design Fees (7).	30,000
Capital Improvement Reserve	\$ 22,991,139
Public Improvement Bonds - Series 1999 (8)	2,170,748

1) Appropriated from		
Series 1999		
Bond Issue	(008-530-9784-9001)	\$ 30,000
2) Appropriated from		
Series 1999		
Bond Issue	(008-530-9785-9001)	30,000
3) Appropriated from		
Series 1999		
Bond Issue	(008-530-9786-9001)	30,000

4) Appropriated from Series 1999 Bond Issue	(008-530-9787-9001)	\$ 15,000
5) Appropriated from Series 1999 Bond Issue	(008-530-9788-9001)	30,000
6) Appropriated from Series 1999 Bond Issue	(008-530-9789-9001)	30,000
7) Appropriated from Series 1999 Bond Issue	(008-530-9790-9001)	30,000
8) Storm Drains	(008-052-9709-9176)	(195,000)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.



Office of the City Manager

June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Change Order No. 2
 Railside Linear Walk – Phase V

Breakell, Inc. was awarded a contract in the amount of \$645,969 for the construction of Phase V of the Railside Linear Walk Project. Phase V will erect the elevated walkway along Warehouse Row.

Change Order No. 1 was administratively approved in the amount of \$343 with a contract time extension of three days.

Change Order No. 2 was requested to assist future development of the eight Warehouse Row properties west of the InSystems Technologies building located along Norfolk Avenue, S.W. While this area is under construction, this is the appropriate time to provide the necessary utility and telecommunication upgrades. We are providing the capacity for each building to be utilized as a restaurant or high-tech office space. The waterline to each building will be upgraded in order to supply adequate water service. The placement of conduits to each building will allow for future access of various cable companies, telephone services, internet service, etc. as needed by the tenant. As each building is remodeled, the fire code will require the building to have a sprinkler system. With this change order, there will be a 6" waterline installed to each building to support fire protection demands.

Change Order No. 2 is as follows:

1. Upgrade the existing ¾" water service to 2" water service to each building.
2. Install 6" waterlines to each building.
3. Install two 4" and one 2" schedule 80 PVC conduits to each building.

Thirty (30) additional days of contract time is required to complete the above tasks.

Summary of Changes:

Contract Amount	\$645,969
Change Order No. 1	343
Proposed Change Order No. 2	<u>37,640</u>
Total	<u>\$683,952</u>


Honorable Mayor and Members of Council
June 17, 2002
Page 2

Funding for Change Order No. 2 in the amount of \$37,640 is available in account number 008-530-9759, Railside Linear Walk – Phase V.

Recommended Action:

Authorize the City Manager to execute Change Order No. 2 in the amount of \$37,640 with Breakell, Inc. with a contract time extension of three days for the above work.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/CAB/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00123

AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 2 to the City's contract with Breakell, Inc. for upgrading the existing ¾" water service to 2" water service, installing waterlines, and installing two 4" and one 2" schedule 80 PVC conduits to each of the eight buildings west of the InSystems Technologies building, located along Norfolk Avenue, S.W., along Warehouse Row, in connection with Phase V of the Railside Linear Walk Project; and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, in a form approved by the City Attorney, Change Order No. 2 to the City's contract with Breakell, Inc. for upgrading the existing ¾" water service to 2" water service, installing 6" waterlines, and installing two 4" and one 2" schedule 80 PVC conduits to each of the eight buildings west of the InSystems Technologies building, located along Norfolk Avenue, S.W., along Warehouse Row, in connection with Phase V of the Railside Linear Walk Project, all as more fully set forth in the letter to this Council dated June 17, 2002.
2. This Change Order will provide authorization for additions in the work with an increase in the amount of \$37,640.00 to the contract, all as set forth in the above letter.
3. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Change Order No. 3
 Crystal Spring Water Treatment
 (Filtration) Plant

Mid Eastern Builders, Inc. was awarded a contract in the amount of \$4,477,000 at the October 1, 2001 meeting of City Council for building construction and equipment installation at the Crystal Spring Water Treatment (Filtration) Plant as defined in the contract documents prepared by Wiley & Wilson, Inc.

Change Order No. 1 was administratively approved in the amount of \$14,902 and Change Order No. 2 was approved by City Council at its meeting on May 20, 2002 in the amount of \$108,216 with a contract time extension of two days.

Change Order No. 3 addresses changes in the proposed construction due to plan review comments provided recently by the Virginia Department of Health (VDH).

Change Order No. 3 is as follows:

1. Provide spare parts for the U.S. Filter Membrane System per Spare Parts List as required by the VDH (\$19,362).
2. Lower the depth of the wastewater pump station from elevation 936.00 to 930.00. Increase wastewater pump(s) from 100 gpm at 17 foot head to 250 gpm at 25 foot head. This is to accommodate chemical backwash water to sanitary sewer as required by the VDH. This required the sanitary sewer pipe to be changed from a 4" to 6" pipe (\$8,131).
3.
 - a. Provide one 2" pressure vacuum breaker, in the domestic water pipe, downstream of the water softener and upstream of the clean-in-place chemical tanks.
 - b. Provide one 3" double-check valve assembly (DCVA) in the pipe that serves the building sprinkler system in lieu of the 3" check valve specified in the Domestic Water Riser.
 - c. Change the "Total System Capacity" for the chlorine feed system to a minimum of 200 pounds per day.
 - d. The metering pump for the fluoride shall be capable of feeding up to 20 gallons per hour of sodium fluoride solution (\$5,954 – Items a, b, c, and d).

4. Provide two 2" PVC conduit from the pump station to the treatment building for connection of computers to water system controls (\$6,157).
5. Provide one 8'd x 1'-6" concrete riser section to heat exchanger manhole to bring top to grade (\$1,620).

No additional construction time is required for this change order. Our construction administration consultant, Construction Dynamics Group, Inc., recommends approval of this change order.

Summary of Changes:

Contract Amount	\$4,477,000
Change Order No. 1	14,902
Change Order No. 2	108,216
Proposed Change Order No. 3	<u>41,224</u>

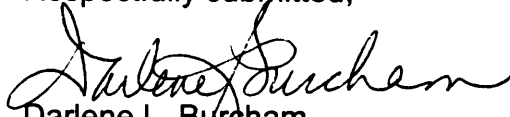
Total **\$4,641,342**

Funding for Change Order No. 3 in the amount of \$41,224 is available in account number 002-530-8397, Crystal Spring Water Treatment Plant Construction.

Recommended Action:

Authorize the City Manager to execute Change Order No. 3 in the amount of \$41,224 with Mid Eastern Builders, Inc. for the above work.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB/LBC/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00118

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 3 to the City's contract with Mid Eastern Builders, Inc. in connection with the Crystal Spring Water Treatment (Filtration) Plant Project; and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, in a form approved by the City Attorney, Change Order No. 3 to the City's contract with Mid Eastern Builders, Inc. for providing spare parts for the U.S. Filter Membrane System per Spare Parts List as required by the Virginia Department of Health; lowering the depth of the wastewater pump station from elevation 936.00 to 930.00; increasing wastewater pump(s) from 100 gpm at 17 foot head to 250 gpm at 25 foot head; providing one 2" pressure vacuum breaker, in the domestic water pipe, downstream of the water softener and upstream of the clean-in-place chemical tanks; providing one 3" double-check valve assembly (DCVA) in the pipe that serves the building sprinkler system in lieu of the 3" check valve specified in the Domestic Water Riser; changing the "Total System Capacity" for the chlorine feed system to a minimum of 200 pounds per day; providing two 2" PVC conduit from the pump station to the treatment building for connection of computers to water system controls; and providing one 8'd x 1'-6" concrete riser section to heat exchanger manhole to bring top to grade, in connection with the Crystal Spring Water Treatment (Filtration) Plant Project, all as more fully set forth in the letter to this Council dated June 17, 2002.

2. This Change Order will provide authorization for additions in the work with an increase in the amount of \$41,224 to the contract, all as set forth in the above letter.

3. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Ticketing Services
Agreement at City Civic
Facilities

Background:

The City's current Agreement for the provision of ticketing services at the Roanoke Civic Center expires on July 31, 2002.

In order to secure a ticket service provider City Council authorized the process identified as "competitive negotiation" at its meeting on January 7, 2002. Sealed proposals were received from four vendors on April 11, 2002. A selection committee reviewed the proposals and selected two finalists that were then interviewed in accordance with City Code Section 23.1-4.1 (c). Selection criteria included experience, ability and capacity to perform the required duties and responsibilities, equipment, service and maintenance, marketing, price, and revenue opportunities for the City. A summary of the two proposals, as well as our current arrangement, is attached as Attachment 1.

The selection committee selected tickets.com, Inc. as the company whose proposal best meets the interests of the City.

At its meeting on May 20, 2002, the Civic Center Commission authorized the Chair of the Commission to sign a letter to Roanoke City Council (Attachment 2) recommending a five year Agreement between the City and tickets.com, Inc. for ticketing services at the Roanoke Civic Center, and other City Civic Facilities as Council may deem appropriate, and subject to the Director of Civic Facilities receiving a contract from them with terms acceptable to the Director and the City

Honorable Mayor and Members of Council
June 17, 2002
Page 2


Manager which they can recommend to City Council. Such contract has been received and is acceptable to the Director and City Manager and is attached as Attachment 3. The contract contains a mutual indemnity clause.

There are no funding issues with this agreement as there are no charges to the City that will not come out of the ticket proceeds.

Recommended Action:

Council accept the proposal of Tickets.com, Inc. and authorize the City Manager to execute a five-year contract with Tickets.com, Inc. substantially similar to the form attached (Attachment 3), with an option to renew for up to five additional years to provide ticketing services at Roanoke's Civic Facilities and to take such further action and/or execute such further documents as may be necessary to implement and administer such contract.

Respectfully submitted,



Darlene L. Burcham
City Manager

Attachments

C: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations
Barry L. Key, Director of OMB
Robert H. Bird, Acting Purchasing Manager
James M. Evans, Director of Civic Facilities

#CM02-00114

Ticketing Comparisons

Item	Current Contract	TicketMaster	Tickets.com
Customer Service Charge	\$2.75/\$3.75	\$3.00-\$4.75	\$2.50-\$6.50
Revenue Share to City	\$ 0	\$0.25-\$0.75	\$0.63-\$1.62
Per Order Handling Charge	\$3.00	\$2.00-\$3.00	\$3.00
Handling Fee Commissions	\$0	\$0.50/order on \$3.00 fee	\$0
Credit Card Fees (charged to promoter)	2.8%-3.25%	2.80%-3.25%	2.5%
Per Ticket Charge (charged to promoter)	\$0.07-\$0.10	\$0.07-\$0.10	\$0.05 per ticket
Season Account Storage	\$3 per account	N/C on first 300, \$2.50 each after	\$0
Marketing Support: Initial Start up Annual Support	 \$0	 \$0 \$5,000	 \$10,000 \$10,000/year
Equipment	8 Units Civic Center	10 Units Civic Center, none committed to stadium	12 units Civic Center, 10 Units Stadium
Value of Ticketing Equipment		\$21,032	\$73,656
Cost for Telecommunications	\$0	\$0	\$0
Annual City Revenue (based on current sales)	\$0	\$36,270	\$70,000
Local Maintenance Support	None	None. Technician located in Richmond	1 person full time in Roanoke

May 20, 2002

Honorable Ralph Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Recommendation on Ticketing Services Provider

At a meeting of the Roanoke Civic Center Commission on May 20, 2002, the Commission reviewed information on computerized ticketing services for the Roanoke Civic Center as the existing agreement with Ticketmaster, Inc. is scheduled to terminate on July 31, 2002. The City issued a request for proposals for computerized ticketing services and received four proposals on April 2, 2002. A selection committee reviewed all four proposals and selected and interviewed two finalists.

Based upon the recommendation of the selection committee and the Director of Civic Facilities, the proposal from Tickets.com, Inc., is the proposal that best meets the interests of the City for the various Civic Facilities, including the Roanoke Civic Center.

The Commission recommends that City Council authorize a five year Agreement between the City and Tickets.com, Inc. for ticketing services at the Roanoke Civic Center, and other City Civic Facilities as Council may deem appropriate, and subject to the Director of Civic Facilities receiving a contract from them with terms acceptable to the Director and the City Manager.

Sincerely,


Calvin Johnson
Chairman

C: Members of Civic Center Commission
Darlene L. Burcham, City Manager
James M. Evans, Director of Civic Facilities

TICKETING SERVICES AGREEMENT

This Ticketing Services Agreement (hereinafter "Agreement") is entered into this ____ day of June, 2002, and effective as of August 1, 2002 (hereinafter "Commencement Date") by and between **Tickets.com, Inc.** (hereinafter "Tickets.com" or "Contractor"), a Delaware corporation, at 555 Anton Boulevard, Costa Mesa, California 92626, (714) 327-5400 phone / (714) 327-5410 facsimile, and the **City of Roanoke, Virginia**, (hereinafter "Principal" or "City"), a Virginia municipal corporation at Post Office Box 13005, Roanoke, Virginia, 24030-3005, (540) 853-2241 phone / (540) 853-2748 facsimile.

Recitals:

- A. Tickets.com provides comprehensive ticketing services for entertainment facilities and events, and maintains a distribution network for the sale of tickets made available generally to the public, via any and all means and methods, including, but not limited to, Telephone Call Centers, Retail Outlets and Electronic Commerce Sales.
- B. Principal has selected Tickets.com and Tickets.com has agreed to provide ticketing and other services for events in accordance with the terms and conditions set forth herein.

Agreement:

In consideration of the premises and the mutual promises and covenants contained in this Agreement, the parties, intending to be legally bound, agree as follows:

- 1. **Basic Terms.** The following basic terms are incorporated into and made an integral part of this Agreement, as each is referenced elsewhere in this Agreement:

- A. **Principal: As noted above.**

- Facility (name and address), if different from Principal:**

- 1. Roanoke Civic Center, 710 Williamson Road;
 - 2. Victory Stadium, Reserve Avenue; and,
 - 3. New Stadium/Amphitheater, Courtland Drive.

- B. **Term:** Five (5) years beginning on the Commencement Date, and as further outlined in Section 4 of this Agreement.

- C. **Charges Paid by Principal:**

- 1. Inside Charges

- a. Retail Outlet Sales Fee: No applicable charges.
 - b. Telephone/Internet Sales: No applicable charges.
 - c. Box Office Sales Per Ticket Fee: Five cents (\$0.05) per Ticket
 - d. Other Per-Ticket Printing Fee: No applicable charges.

- 2. Setup Fee: No applicable charges.

D. Credit Card Fees: Tickets.com agrees to accept MasterCard, Visa, American Express and Discover Card, and such other cards as Principal and Tickets.com may agree to in writing. Two and one-half percent (2.5%) of the Net Ticket Proceeds for all Tickets purchased utilizing the Tickets.com's Distribution Channels in which the Tickets.com's credit card authorization system is used shall be paid in accordance with Section 6 (B). If the credit card interchange rate to Tickets.com for any of the above credit cards is increased while this Agreement is in effect, the corresponding fee for that credit card shall automatically be increased by a like amount for the remainder of this Agreement provided ninety (90) days written notice is given to Principal prior to any such increase and sufficient written documentation to support such increase is given.

E. Customer Service Charges Paid by Customer:

Ticket Price	All Tickets.com Distribution Channels	Per-Order Handling Fee
\$0.00 - \$9.99	\$2.50	\$3.00
\$10.00 - \$19.99	\$3.50	\$3.00
\$20.00 - \$29.99	\$4.50	\$3.00
\$30.00 - \$39.99	\$5.50	\$3.00
\$40.00 - \$49.99	\$6.00	\$3.00
\$50.00 - \$59.99	\$6.50	\$3.00

- 1. Ticket Prices:** Principal shall establish the face price of all tickets sold through the Tickets.com System. Any and all taxes associated with the sale of such Tickets will be the responsibility of the Principal as outlined in Section 6 of this Agreement.
- 2. Customer Service Charge:** Tickets.com shall retain in full the Customer Service Charge, except as otherwise noted herein. Per Ticket Customer Service Charges will increase fifty cents (\$0.50) for every ten dollar (\$10.00) face value increment over Sixty dollars (\$60.00) and above.
- 3. Per-Order Handling Fee:** Tickets.com shall retain in full the Per-Order Handling Fee for all orders placed via Internet or Telephone.
- Principal and Tickets.com will mutually determine to reduce the Customer Service Charges for special events, such as Ringling Bros. Circus, Disney on Ice, and certain other family/children's shows. Neither party shall unreasonably withhold such agreement.
- Tickets.com will increase the Customer Service Charges by twenty-five cents (\$0.25) every other year upon commencement of year two (2) of this Agreement.
- Tickets.com will increase the Per-order Handling Fee by twenty-five cents (\$0.25) every other year upon commencement of year two (2) of this Agreement.

F. Revenue Share Paid by Tickets.com: Principal shall receive a Revenue Share in the amount of twenty-five percent (25%) of the Customer Service Charge, which Tickets.com receives from the sale of Principal's Tickets.

- 1. Revenue Share:** Upon the commencement of Ticket sales, Tickets.com will withhold all per-Ticket Revenue Share due to Principal until all prepaid Revenue Share amount paid to Principal has been recovered by Tickets.com. Thereafter, Principal shall receive the per-Ticket Revenue Share amount on each settlement date.

2. Prepaid Revenue Share: Tickets.com shall pay to Principal a prepayment against future Revenue Share in the amount of Fifty thousand dollars (\$50,000) which shall be due and payable by August 31, 2002.

G. Equipment: Principal shall pay Tickets.com no monthly fees for Equipment as set forth in Exhibit A attached hereto and made a part hereof. Tickets.com will commit to supplying the City of Roanoke Stadium/Amphitheatre, which is scheduled to be open in 2004, with Equipment as set forth in Exhibit A.

H. Data Communications: Tickets.com shall be responsible for all monthly data line fees.

I. Settlement: Tickets.com shall pay Principal an amount equal to the Gross Ticket Proceeds collected by Tickets.com less the amounts Tickets.com is entitled to retain pursuant to this Agreement. Such payment shall be made via Automatic Clearing House (ACH) or by check on or about Friday of each week with respect to Events, which have occurred during Monday through Sunday of the week preceding such payment date.

J. Advertising and Sponsorship: Tickets.com shall expend an annual marketing/advertising budget in the amount of Twenty thousand dollars (\$20,000.00) during the first year of this Agreement. Tickets.com shall then expend an annual marketing/advertising budget in the amount of Ten thousand dollars (\$10,000.00) during each additional year of this Agreement for use by Principal to specifically promote the availability of Principal's Events through Tickets.com, which such marketing/advertising will be mutually agreed upon between the parties. In instances where Principal places such advertising which has been mutually agreed upon by the parties, Tickets.com agrees to reimburse Principal within 30 days of receipt of invoice and documentation from Principal. In all other instances, Tickets.com shall be responsible for paying all charges and shall provide documentation to Principal of such advertising.

2. Definitions: For purposes of this Agreement, the following terms shall have the respective meanings set forth below:

Agreement Year: Each consecutive twelve (12) month period during the term of this Agreement.

Attraction: A musical or theatrical production, motion picture, concert, sporting event, circus, dance, show, display, convention, or other performance, event or activity of any nature or description for which Tickets are sold.

Available Seats: Each and every Ticket that is offered for public sale for a particular Event, not including promoter, band, agency or house holds.

Box Office Sales: The sale of Tickets for Events through the Facility Box Office or Principal's office.

Charges Paid by Principal: The charges to be

paid by Principal to Tickets.com pursuant to this Agreement, as summarized in Section 1 above.

Computer Sales: All sales of Tickets through the Tickets.com System via the Internet or any other online system.

Customer Service Charge: The amount charged by Tickets.com to Ticket purchasers for the use of the Tickets.com System.

Electronic Commerce Sales: Sales of Tickets that are Computer Sales, IVR Sales, Television Sales or any other sales, other than Telephone Sales and Retail Outlet Sales, not involving substantial services from service personnel to facilitate the sale.

Equipment: The equipment listed or described in Exhibit A attached hereto and any other

equipment furnished by Tickets.com to Principal pursuant to this Agreement or otherwise.

Event: An Attraction that is scheduled to take place or be presented or performed at the Facility.

Facility: The facility or facilities, listed in Section 1 above, at which Principal presents Attractions.

Facility Box Office: The Ticket sales facilities located in or at the Facility.

Gross Ticket Price: The purchase price of a Ticket for an Event, as established by Principal or the Promoter of the Event, plus all taxes and other charges paid by the Ticket purchaser including the Customer Service Charge.

Gross Ticket Proceeds: The total of all charges paid by a ticket purchaser, including the Ticket price, customer service charges, per order handling fees, facility surcharge or facility fee, or any other fee or tax included during the sale of Tickets purchased under this Agreement.

Interactive Voice Response (IVR) Sales: All sales of Tickets through the Tickets.com System via touch-tone phone or voice response via telephone lines.

Per-Order Handling Charge: Service charges imposed on transactions through Tickets.com distribution channels that require fulfillment through the mail.

Retail Outlet Sales: The sale of Tickets at locations other than the Facility Box Office, but excluding Telephone and Electronic Commerce Sales. This also includes kiosks, which reside at said locations.

Telephone Call Center: Live telephone operators or automated IVR (Interactive Voice Response) systems providing ticketing services to consumers.

Telephone Sales: All sales of Tickets through the Tickets.com System via telephone lines routed to the Tickets.com Call Center(s) and its agents exclusively, including IVR (Interactive Voice Response).

Terminal: An authorized electronic unit, linked to Tickets.com's computer facilities, that is capable of displaying information concerning the availability of Tickets for Attractions, issuing Tickets therefore, and generating related reports and data.

Ticket: Tangible evidence of the right to admission to and/or to participate in or occupy seating at Attractions.

Tickets.com System: The equipment, software, and procedures established and maintained by Tickets.com for the purpose of selling, auditing, and controlling the sale of Tickets for Attractions.

3. Ticket Sales

- A. Exclusivity.** Principal hereby grants to Tickets.com the exclusive right effective August 1, 2002, for all Events, except as otherwise noted herein, held in the Facility during the term of this Agreement, to sell all Tickets, as Principal's agent, via any and all means, including, but not limited to, Telephone Sales, Retail Outlet Sales and Electronic Commerce Sales. These rights shall not be limited by an allocation of Tickets, and shall extend to all Available Seats to the same extent that such Available Seats are available through the Facility Box Office by subscription or otherwise. The exclusivity granted herein is of the essence of this Agreement. Principal shall not permit any other party including, without limitation, any other computerized ticketing service to issue or cause to be issued Tickets for any Events nor permit any other party to sell by allocation, voucher or otherwise Tickets for any Event except as otherwise noted herein, or unless mutually agreed upon in writing by both parties which agreement shall not be unreasonably withheld.

- B. Sales by Principal.** Notwithstanding Section (A) above, Principal may sell Tickets at the Facility Box Office to purchasers appearing in person or ordering by mail. Principal may sell hard Tickets only for those events that are not ticketed through the Tickets.com System. It is understood and agreed that from time to time, an individual Event such as trade shows, consumer shows and the Roanoke Symphony Orchestra or events where no admission is charged may require that pre-printed tickets be issued or distributed for sale through the Facility Box Office and not through the Tickets.com System and such other Events that have been mutually agreed upon by the parties, and such agreement shall not be unreasonably withheld.
- C. Sales by Others.** Notwithstanding Section (A or B) above or anything else in this Agreement, Tickets.com agrees that Principal may permit certain entities to print and/or sell hard tickets to Events not using the Tickets.com system provided no other automated ticketing services system or agent is utilized, except as the parties have mutually agreed upon, and such agreement shall not be unreasonably withheld.
- D. Ticket Price.** All Tickets sold by Tickets.com pursuant to this Agreement shall be sold at the Gross Ticket Price. Principal acknowledges that Tickets.com does not guarantee that any minimum or fixed number of Tickets will be sold.
- E. Ticket Sales During Transition Period.** Tickets.com agrees that it will, at the Principal's option and direction, do either of the following dependent upon Event:
1. Allow and work with the Principal's current computerized ticketing service provider so that provider can continue to sell tickets for Events for which tickets were offered for sale prior to the Commencement Date until the conclusion of the Events and Tickets.com will not sell tickets for such Events; or
 2. Work with the Principal and current computerized ticketing service provider to provide for the transition of all unsold tickets for Events occurring on and after the Commencement Date from such current provider to Tickets.com so Tickets.com will be able to sell all such tickets for such Events as of the Commencement Date.

4. Term

- A. Initial Term.** The term of this Agreement shall be for five (5) years, from August 1, 2002 through July 31, 2007, at which time it will terminate, unless sooner terminated pursuant to the terms of the Agreement or by law, or unless extended as set forth herein.
- B. Renewal Terms.** Upon mutual agreement of both parties, the Agreement may be extended for up to five (5) additional one (1) year periods or any combination thereof. Either Party may request this option by giving written notice of such to the other party at least sixty (60) days before the expiration of the initial five (5) year term or any subsequent extension term.
- C. Temporary License.** Tickets.com is hereby granted a forty-five (45) day temporary license to perform work at the Facility prior to the Commencement Date, but such license incorporates the appropriate Terms and Provisions of this Agreement, specifically those set forth in Sections 11, 14, 17, 18, 19 and 24.

5. Ticket Sales Procedures.

A. Box Office Sales. All Box Office Sales shall be exclusively through the Tickets.com System pursuant to the terms and conditions of this Agreement except as otherwise noted herein. Principal shall be responsible for the staffing and management of the Facility Box Office.

B. Telephone Sales

1. Tickets.com shall maintain Telephone Call Center(s) service levels and staff. All Telephone Sales shall be charged to MasterCard, Visa, Discover or any other charge card accepted by Tickets.com. Tickets purchased through the Tickets.com Call Center ten (10) days or more in advance of an Event will, at the purchaser's request, be mailed by Tickets.com to purchaser, and Tickets.com shall be responsible for all costs of mailing such Tickets. Tickets.com will enter all other Telephone Sales into the Tickets.com System. All Tickets not mailed to purchasers will be pulled off the Tickets.com System by Principal and held for the purchaser at a "will call" window at the Facility Box Office or such other procedure that the Facility uses to admit such purchasers.
2. Principal shall cause a "will call" window at the Facility Box Office to be open and accessible to customers whose Tickets are being held at the Facility Box Office at least one (1) hour prior to the starting time for each Event or provide an alternate procedure to admit such customers to the Event.

C. Retail Outlet and Electronic Commerce Sales. Tickets.com may offer Tickets for sale through Retail Outlets and via Electronic Commerce. Ticket delivery to customers will be as described in Section (B) above. Tickets.com shall ensure that it maintains at least five (5), but no more than seven (7) retail outlets to support the Principal's sales, which will be operational within six (6) months of the Commencement Date of this Agreement. At a minimum, outlets will be located in the following areas: Roanoke, Lynchburg, New River Valley, Martinsville, Staunton or such other outlets which will be mutually agreed to between the parties, and such agreement shall not be unreasonably withheld.

D. Credit Card Chargebacks. Principal agrees to pay all credit card chargebacks for the unrecovered sum of all Tickets sold through Tickets.com, which sales resulted in a credit card chargeback to Tickets.com and were the result of Principal's negligence or its actions. Tickets.com shall have the right to deduct such chargebacks through the settlement of funds as outlined in Section 1 of this Agreement. If settlement funds are not sufficient in which to offset such chargebacks, Tickets.com shall have the option to continue deducting chargebacks from subsequent settlement funds or invoice Principal for said "chargebacks". Principal agrees to pay all chargeback invoices within fifteen (15) days of receipt. Tickets.com shall furnish Principal with all documentation concerning customer chargebacks pertaining to Principal's Events. Tickets.com shall also certify that it has taken all commercially reasonable steps to collect such chargebacks. Principal agrees that its Box Office staff will verify Customer identification against any credit card, which is presented for payment of Tickets.

Principal acknowledges that due to banking regulations, chargebacks, which occur under this Agreement may occur up to eighteen (18) months from the date in which a Customer has purchased a Ticket through the Tickets.com System. Those chargebacks, which were a result of fraud have no timeframe limitation on Customer's ability to recover such charges.

E. Cancellations. If an Event is cancelled or closed after Tickets have been sold through the

Tickets.com System, Principal agrees to assume all responsibilities with regard to refunds, exchanges and/or resolution of customer inquiries or issues. However, Tickets.com agrees to provide refunds or exchange of Tickets as directed by the Principal for Ticket sales that were sold through Tickets.com distribution channels. Tickets.com agrees to provide such refunds or exchanges through the Tickets.com System for a period of one hundred twenty (120) days after the originally scheduled date of the Event. Specific refund procedures will be mutually agreed to for each cancelled Event. Within 24 hours of the cancellation of an Event, Principal agrees to provide adequate funds to Tickets.com necessary to make refunds for all Tickets for which Tickets.com has previously made settlement to Principal. After such 120 day period, Tickets.com shall remit to Principal all unrefunded Ticket proceeds Tickets.com holds for the cancelled Event, less any Customer Service Charges collected and Tickets.com will refer customers requesting refunds to Principal. Thereafter, Principal shall be solely responsible for any subsequent reimbursements to purchasers of Tickets to such cancelled Attraction. Principal agrees to inform customers of this refund policy. In the event of any cancellation, Principal and Tickets.com shall mutually determine if Tickets.com shall have the right to retain any Customer Service Charges imposed on the sale of Tickets as though no cancellation or closing has occurred, but Tickets.com will be entitled to retain any per-order handling fee collected for such Event unless otherwise agreed to by both parties.

- F. Exchanges.** All exchanges for Events currently on sale shall be handled through the Facility Box Office or directly by the Principal. An exchanged Ticket may be returned to the Tickets.com System without charge, but Tickets.com shall be entitled to keep any Charges Paid by Principal or Customer Service Charges imposed on the initial sale of the exchanged Ticket.

6. Financial Conditions.

- A. Charges Paid by Principal:** Inside Charges shall be paid by Principal to Tickets.com for all Sales as set forth in Section 1 above.
- B. Credit Card Commissions.** A credit card fee on all transactions processed through the Tickets.com System shall be paid by Principal to Tickets.com as set forth in Section 1 above.
- C. Customer Service Charge.** Tickets.com may impose a Service Charge on all Telephone Sales, Retail Outlet Sales and Electronic Commerce Sales. The amount of the Service Charge to be imposed shall be as set forth in Section 1 above. All Customer Service Charge revenue received through the Tickets.com Telephone Call Centers, Retail Outlets and Electronic Commerce shall be Tickets.com's property except as otherwise noted herein.
- D. Handling Charge.** The Tickets.com System will impose a per order Handling Fee on all Telephone and Internet sales through the Tickets.com System, as set forth in Section 1 of this Agreement.
- E. Taxes.** Principal shall be responsible for seeing that the payment of City Admissions Tax is properly made. Tickets.com shall be responsible for the payment of any and other applicable taxes including, but not limited to all business license fees, and personal property, sales, or use taxes based on or measured by the use or value of the Equipment, Tickets sold, monies (including Service Charge) collected, or other supplies, materials or services furnished by Tickets.com pursuant to this Agreement.
- F. Account Procedures.**

1. Tickets.com shall be responsible for the collection and distribution of all revenues for Telephone, Retail Outlet and Electronic Commerce Sales and the collection and distribution of all revenues from Box Office Sales paid by credit card using the Tickets.com on-line authorization system. Principal shall be responsible for the collection and distribution of all revenues from Box Office Sales with the exception of sales paid by credit card using the Tickets.com on-line authorization system.
2. Tickets.com and Principal shall make settlement and transfer funds for applicable revenues received for each Event in accordance with the schedule set forth in Section 1 above. Charges Paid by Principal shall be accounted for at each settlement.
3. Any and all amounts due Principal from Tickets.com under the terms of this Agreement shall be paid as provided in Section 1 above. It is understood and agreed that Tickets.com shall be authorized to offset and deduct from such remittance any and all Charges Paid by Principal or other amounts due to Tickets.com from Principal.
4. Each payment made to Principal by Tickets.com shall be accompanied by Tickets.com's remittance report. Such reports shall form the basis for settlement between the parties, and shall be conclusive as to any amounts owed to Principal by Tickets.com unless Principal submits a written objection to Tickets.com within ten (10) business days after receipt of any such report, setting forth in reasonable detail the respects in which Principal believes the report to be incorrect.
5. If any claim is duly presented to Tickets.com against any or all of the Ticket sale proceeds collected by Tickets.com for an Event prior to the remittance thereof to Principal, Tickets.com may, in its sole discretion, withhold remittance of that portion of the Ticket sale proceeds to Principal until such time as the claim is withdrawn or otherwise disposed of to Tickets.com's reasonable satisfaction.

7. Equipment.

- A. Equipment Provided to Principal.** Following Tickets.com's inspection of the physical facilities where the Equipment will be located as designated by the Principal and approved by Tickets.com, which such approval of Equipment location will not be unreasonably withheld. Tickets.com shall install, at its expense, the Equipment listed or described in Exhibit A attached hereto. If Tickets.com furnishes any Equipment to Principal, in addition to the Equipment listed in Exhibit A, Principal shall lease that additional Equipment from Tickets.com at rates to be mutually agreed by the parties. Furthermore, Tickets.com will provide, at its expense, updated equipment to keep its system up to date, as mutually determined by both parties based upon industry standards.
- B. Tickets.com's Property.** Principal understands and acknowledges that all Equipment is and shall remain Tickets.com's property. Principal shall acquire no ownership interest in, and shall have no right to transfer, license the use of, or encumber any Equipment. Tickets.com shall be responsible for the repair and maintenance of all Equipment so that it will be in good working order at all times. Principal must provide Tickets.com notification of any Equipment problems.
- C. Principal's Responsibilities.** Principal shall provide, at its expense, an electrical connection to furnish power to the Equipment. The cost of all electricity and other utilities consumed by the operation of the Equipment shall be paid by Principal. The cost of installing and maintaining a

dedicated telephone line from Tickets.com's central computer to each Terminal shall be paid by Tickets.com.

- D. Training and Use of the Equipment.** Tickets.com shall provide adequate training for Principal's personnel, in the use of the Tickets.com System and the care and operation of the Equipment, including updated equipment, at no charge to Principal. The amount of training and additional charges for training persons others than Principal's personnel (i.e., Facility Licensees) shall be mutually agreed upon. Only those employees of Principal or other persons who have been trained by Tickets.com, or by a Tickets.com trained employee of Principal, shall use the Equipment. Principal shall not permit any person not employed by Principal, or any untrained employee of Principal, to use the Equipment, except as otherwise mutually agreed to between the parties, and such agreement will not be unreasonably withheld..
- E. Loss and Damage.** Principal assumes and shall bear the entire risk of loss and damage to the Equipment, ordinary wear and tear excepted, whether or not insured against, until the Equipment is returned to Tickets.com. The Equipment shall be used strictly in accordance with the instructions and manuals issued by Tickets.com, and Principal shall not permit the Equipment to be operated with any other software or for any purpose outside the scope of this Agreement without Tickets.com's prior written consent.
- F. Equipment Tags.** Principal shall not remove, cover or alter any labels, plates or other markings identifying each item of Equipment. If Tickets.com supplies Principal with new labels, Principal shall affix and maintain them in a prominent place on each item of Equipment in accordance with Tickets.com's instructions.
- G. Location and Right of Inspection.** Principal shall not move any Equipment from the location where it is installed, or make any addition or alteration. Principal anticipates relocating the civic center box office in 2004, which will require the relocation of Tickets.com Equipment, and in which Tickets.com shall relocate such Equipment upon thirty (30) days written notification from Principal, and Tickets.com's approval of the installation Location and such installation Location approval will not be unreasonably withheld. Tickets.com shall have the right, at any time during normal business hours and upon reasonable notice, to inspect the Equipment and for that purpose to have access to the Equipment.
- H. Return of Equipment.** Upon the expiration or termination of this Agreement, Principal shall return all Equipment to Tickets.com in good condition, reasonable wear and tear excepted. Tickets.com, at its cost, shall be responsible for the actual prompt removal of Equipment, and shall have the right to enter the Principal's and/or Facility Box Office to take possession of the Equipment.

8. Software and Use of the Tickets.com System.

- A. License.** Access to the Tickets.com System and the use of Tickets.com software is provided to Principal as a licensed user only. Tickets.com hereby grants to Principal a nonexclusive, royalty-free license to use the Tickets.com System, including all software provided by Tickets.com, only in connection with services provided pursuant to this Agreement.
- B. Ownership.** All software provided by Tickets.com, either separately or embedded within the Tickets.com System, is the property of Tickets.com or its licensor and Principal shall not acquire any rights or licenses, except as expressly granted herein. Principal agrees not to reverse compile

or reverse assemble all or any portion of such software.

9. Advertising.

- A. Tickets.com.** Tickets.com may list Events in its promotional displays located in Retail Outlets, on Telephone Sales mail-out envelopes, on Tickets.com's websites and other advertising and promotional materials used by Tickets.com, and may otherwise promote and advertise the Principal, Facility and any Events in advertisements placed directly by Tickets.com or in conjunction with others. In connection therewith, Tickets.com may use the name of Principal, all Events, the Facility and all performers, artists and other persons involved in the Events unless otherwise notified by Principal.
- B. Principal.** Principal agrees that in all advertising it controls or produces for Events it will include the Tickets.com designated wording as mutually agreed upon by both parties, for referring prospective purchasers to Tickets.com's website addresses, retail outlet locations, and telephone numbers. Such wording is subject to change, as appropriate, during the term of this Agreement upon mutual written agreement of the parties. Such wording may be subject to change depending upon the medium used for advertising (billboards, electronic media, etc.). Principal and Tickets.com will mutually determine the change in wording and such agreement shall not be unreasonably withheld by either party. Principal agrees to provide a link from Principal's website to the Tickets.com website.

10. Other Obligations of Tickets.com.

- A. Central Computer Facility.** Tickets.com shall, at its expense, install and maintain a central computer facility, at a location selected by Tickets.com, for the operation of a computerized ticketing system capable of serving the Principal and otherwise performing Tickets.com's obligations under this Agreement.
- B. Software.** Tickets.com shall provide necessary software and support for Tickets.com System programming to be performed by box office personnel for Ticket sales for each Event.
- C. Ticket Stock.** Tickets.com will furnish, free of charge, all ticket stock necessary to sell tickets through the Tickets.com System. All Ticket stock and Ticket envelopes used for Ticket sales through the Tickets.com System may contain advertising sold by Tickets.com. All revenue received from such advertisements shall belong to Tickets.com.
- D. Support Staff.** Tickets.com shall provide a full time support person, to be located in the Roanoke Valley area, or as otherwise mutually agreed upon, for client service and technical issues, at no cost to Principal.
- E. Operation and Repair of Equipment.** Tickets.com, at its expense, shall be responsible for and keep the Equipment in good working order and repair during the term of this Agreement so that the system will be functional and working during normal business hours of the Facility Box Office. Should the system fail or become inoperable, Tickets.com will respond as soon as reasonably practicable to address the problem and make the system operational as soon as reasonably practicable. Repeated failure of the system or equipment over any fifteen (15) day period of time shall be deemed a violation of this section.

11. Other Obligations of Principal and Tickets.com.

A. Access. Principal shall give Tickets.com reasonable access to the Principal's Offices, the Facility and the Facility Box Office to provide training, maintenance, repair, assistance or other related services for the purpose of effectuating this Agreement and performing Tickets.com's duties hereunder.

B. Insurance.

- 1. Principal.** Principal shall maintain throughout the term hereof, at its expense, primary insurance coverage, with Tickets.com as an additional named insured thereunder, insuring the Equipment and all supplies and materials provided by Tickets.com to Principal against loss or damage by fire, theft and all other risks embraced by extended coverage. Such insurance policy shall provide full replacement value coverage and shall include a specific endorsement to the effect that Tickets.com shall receive at least thirty (30) days prior written notice of the modification or cancellation thereof. Principal shall furnish to Tickets.com a certificate of insurance from the insurer evidencing the insurance coverage required by this Section. Such insurance may be provided by Principal through Principal's self insurance program.
- 2. Tickets.com.** Tickets.com and its subcontractors involved in this Agreement shall maintain the following insurance coverages with a quality company, written on an occurrence basis, issued by a company licensed to transact business in this State, during the life of this Agreement, and shall furnish the City with certificates of insurance which shall also include insurance deductibles, if applicable. The certificates shall name the City, the Roanoke Civic Center Commission, their officers, agents and employees as additional insureds, providing coverage against any and all claims and demands made by a person or persons whomsoever for property damages or bodily or personal injury (including death) incurred in connection with the services to be provided under this Contract with respect to the Commercial General Liability coverage and the Automobile Liability coverage. With respect to the Workers' Compensation coverage, Tickets.com's insurance company shall waive rights of subrogation against the City, the Roanoke Civic Center Commission, their officers, agents and employees. Endorsements of the above must be received by the City Office of Risk Management from the insurer within thirty (30) days of commencement of this Agreement.
 - a. Commercial General Liability:** \$1,000,000.00
\$1,000,000.00 General Aggregate Limit (other than Products/Completed Operations).
\$1,000,000.00 Products/Completed Operations Aggregate Limit.
\$1,000,000.00 Personal Injury Liability (including liability for slander, libel, and defamation of character). \$1,000,000.00 each occurrence limit (including liability for Contractual, and Owners and Contractors Protective).
 - b. Automobile Liability:** \$1,000,000.00 combined single limit with applicable endorsement to cover waste cargo.
 - c. Workers' Compensation and Employer's Liability:**
Workers' Compensation: statutory coverage for Virginia
Employer's Liability:
\$100,000.00 Bodily Injury by Accident each occurrence
\$500,000.00 Bodily Injury by Disease Policy Limit.
\$100,000.00 Bodily Injury by Disease each employee.

The above limit amounts may be met by an umbrella liability policy following form of the underlying primary coverage in a minimum amount of \$1,000,000.00

d. Proof of Insurance Coverage:

1. Tickets.com shall furnish the City of Roanoke with the required certificates of insurance showing the type, amount, effective dates and date of expiration of the policies.
2. The required certificates of insurance shall contain substantially the following statement:

Should any of the above described policies be cancelled before the expiration date thereof the issuing company shall mail 30 days written notice to City of Roanoke, Risk Manager, 215 Church Avenue, S.W., Room 506, Roanoke, VA 24011. The telephone number is (540) 853-1856.

- C. Facility Box Office.** Principal agrees to maintain one, and only one location serving as the Facility Box Office where customers who appear in person may purchase Tickets to Events without payment of a Customer Service Charge. Principal agrees to use Ticket stock and envelopes provided by Tickets.com for all single Ticket Box Office Sales, except as otherwise provided herein.
- D. Compliance.** Principal warrants that it has all necessary rights and contracts to authorize the sale of Tickets for Events pursuant to the terms of this Agreement and that the number of seats put on sale for an Event does not exceed the legal, fire or other limits or restrictions of capacity at the Facility.
- E. Ticket Availability.** Principal agrees that all Available Seats will be open for sale through the Tickets.com System and that no tickets will be pre-pulled for the Facility Box Office or any other ticket agency. Tickets will go on sale to the public through the Tickets.com System at the same time they are first available at the Box Office. Principal agrees that it will honor or cause to be honored all Tickets properly issued by the Tickets.com System for all Events.
- F. Exclusivity.** Principal warrants that, at the time of execution of this Agreement, it is not bound contractually with any other ticketing service or software provider except as otherwise noted herein.
- G. Use of Principal's Hardware.** If Principal elects to use its own computer workstations to connect to the Tickets.com System, Principal shall pay a one-time license fee, which will be mutually negotiated, for each Tickets.com software emulation package required and Principal assumes all risks of damage or loss to its own equipment, data or software resulting from such use.
- 12. Event Set-Up.** No less than three (3) business days prior to the time when Tickets for an Event are to go on sale, for existing venue configurations, and five (5) business day for new configurations. Principal shall provide Tickets.com, in writing, all necessary information with respect to the Event, including seating layout, Ticket price structure, discounts, Ticket header information, entry information, and any other information necessary for the proper sale of such Tickets at the Facility Box Office, through the Telephone Call Center, at Retail Outlets and via Electronic Commerce. Tickets.com may rely upon and shall not assume responsibility for the accuracy of the information furnished by Principal pursuant to this Section.

13. Reports. Tickets.com will supply Principal with standard reports detailing patron information and Ticket sales information at no charge. Principal may request custom reports from Tickets.com on patron and sale information. Tickets.com requires ten (10) business days to fulfill custom report requests (and may on occasion depending on frequency and complexity of requests, charge Principal a programming fee as agreed to by Principal. However, if Principal rejects such cost, Tickets.com may choose to not fulfill the order.).

14. Indemnification.

A. Principal. To the extent permitted by law, Principal shall defend, indemnify and hold Tickets.com harmless from and against any and all claims, suits, damages, liabilities, costs, and expenses, including reasonable attorneys' fees, resulting directly or indirectly from (i) any personal injuries to potential Ticket purchasers or patrons of the facility arising out of the claimant's presence at or in the vicinity of the Facility or the Facility Box Office and not caused by Tickets.com; or (ii) the performance or nonperformance of any Event, not caused by Tickets.com. Tickets.com shall give Principal prompt notice of any claim or suit coming within the purview of this indemnity, shall furnish Principal with all relevant facts in its possession or under its control, and shall cooperate fully with Principal in the defense of any matter covered by this indemnity.

B. Tickets.com. Tickets.com shall indemnify and hold harmless the City, the Civic Center Commission, their respective officers, agents, and employees against any and all liability, losses, damages, claims, causes of action, suits of any nature, costs, and expenses, including reasonable attorney's fees, resulting from or arising out of Tickets.com or its employees, agents, or subcontractors' actions, activities, or omissions, negligent or otherwise, on or near City's property or arising in any way out of or resulting from any of the work to be provided under this Agreement, and this includes, without limitation, any fines or penalties, violations of federal, state, or local laws or regulations, personal injury, wrongful death, or property damage claims or suits. Tickets.com agrees to and shall protect, indemnify, and hold harmless all the parties referred to above from any and all demands for fees, claims, suits, actions, causes of action, settlement or judgments based on the alleged or actual infringement or violation of any copyright, trademark, patent, invention, article, arrangement, or other apparatus that may be used in the performance of this Agreement.

C. Survival. The respective indemnification rights and obligations set forth herein shall continue in full force and effect notwithstanding the expiration or termination of this Agreement.

15. Default. If either party defaults in the performance of any covenants or agreements contained herein and such default continues for a period of twenty (20) days after written notice of default has been given to the defaulting party, the non-defaulting party shall have all the remedies available at law or in equity and, in addition, may terminate this Agreement immediately upon notice to the defaulting party. Without limiting the generality of the foregoing, if Principal is the party in default, Tickets.com may: (i) suspend the sale of Tickets for Events through the Tickets.com System, and (ii) enter the Facility and/or Offices to repossess and remove the Equipment and all supplies and other materials that were furnished by Tickets.com to Principal. If Tickets.com refuses or fails to perform any of the terms of this Agreement, the City may, by written notice to Tickets.com, terminate this Agreement (or the separable part of this Agreement). In addition to any right to terminate, the City may enforce any remedy available at law or in equity in connection with such default, and Tickets.com shall be liable for any damages to the City resulting from Tickets.com's default. The City further reserves the right to immediately obtain such computerized ticketing services from other entities in the event of

Tickets.com's default.

- 16. Disclaimer of Warranties.** TICKETS.COM DISCLAIMS AND EXCLUDES ANY AND ALL WARRANTIES, EXCEPT FOR THOSE EXPRESSLY SET FORTH HEREIN, INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE TICKETS.COM SYSTEM AND THE EQUIPMENT, TICKET STOCK, SUPPLIES, MATERIALS AND SERVICES PROVIDED BY TICKETS.COM PURSUANT TO THIS AGREEMENT.
- 17. Independent Contractors.** Both parties are independent contractors. Nothing in this Agreement shall be deemed to create an agency, partnership, joint venture, or employer/employee relationship. Neither party shall be liable for the debts or obligations of the other.
- 18. Compliance with Law.** Principal and Tickets.com shall comply with all laws, regulations and ordinances applicable to each of them in connection with the operation of the Tickets.com System and their respective business activities, and shall each obtain any permits and licenses required by any applicable law, regulation, statute, or ordinance, including, without limitation, the Americans With Disabilities Act. Principal shall be responsible for obtaining any permits or licenses required by any applicable law, regulation or ordinance for the sale of Tickets or operation of the Equipment at the Facility Box Office, and for the presentation or performance of each Event.
- 19. Limitation of Liability.** The obligations and liabilities of Tickets.com under this Agreement are limited to the corporate assets of Tickets.com, and no director, officer, or shareholder of Tickets.com in his, her or its personal capacity shall have any personal liability or responsibility with respect to any of those obligations and liabilities. In no event shall either party be liable for lost profits, consequential or special damages arising out of, or relating to this Agreement. Furthermore, in the event of any default, nonperformance, or breach of any of the terms or conditions of this Agreement by the City, Tickets.com agrees that the City's liability, if any, shall be limited to the lesser amount of any damages awarded or the repayment of an amount up to, but not exceeding, the sum of money the City may have received from Tickets.com under the terms of this Agreement for that particular Event.
- 20. Assignment.**
 - A. Principal.** Principal may not assign, transfer, pledge, or encumber all or any part of its interest in this Agreement, or any proceeds from the sale of Tickets without Tickets.com's prior written consent, which consent shall not be unreasonably withheld or delayed. Notwithstanding the foregoing, no consent shall be required where Principal's successor-in-interest acquires all or substantially all of Principal's business and assets, whether by purchase, merger, operation of law, or otherwise. In such an event, Principal's successor shall assume all the rights and obligations of Principal under this Agreement, and, provided Tickets.com consents to such successor in writing (which consent shall not be unreasonably withheld or delayed), Principal shall be relieved of any further obligations hereunder.
 - B. Tickets.com.** Tickets.com may not assign or transfer this Agreement, and any revenues or other benefits receivable by Tickets.com hereunder to Tickets.com's lender(s) or any other entity or person, provided that no assignment shall relieve Tickets.com of its obligations hereunder without Principal's prior written consent, which consent shall not be unreasonably withheld or delayed. Notwithstanding the foregoing, no consent shall be required where Tickets.com's successor-in-interest acquires all or substantially all of Tickets.com's business and assets, whether by purchase, merger, operation of law, or otherwise. No such acquisition of or merger by Tickets.com shall

affect the schedule set forth in Section 1 above with respect to payments by Tickets.com to Principal.

C. Successors. Subject to the foregoing provisions, this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assignees.

21. Force Majeure. Except for the payment of any amount due for the sale of Tickets, neither party shall be liable to the other for damages in the event of any loss, damage, claim, delay or default arising by reason of Acts of God, storm, fire, flood, earthquake, labor disturbance (including strikes, boycotts, lockouts, etc.), war or terrorism, civil commotion, shortages or unavailability of labor, present or future governmental law, ordinance, rule, or regulation, occasional technical failure of the Tickets.com System, disruption of postal, banking, electrical, telephone or other utility service, or other cause beyond the control of the party sought to be charged.

22. Bankruptcy. If either party is adjudged bankrupt, makes an assignment for the benefit of creditors, files a petition for reorganization, arrangement or other relief under any bankruptcy or insolvency law, or if a receiver, custodian, or trustee is appointed for either party, such party shall give the other party prompt written notice thereof. In the event of any of the foregoing, this Agreement shall not be deemed an asset of such party and the other party may terminate this Agreement immediately upon written notice to such party. If Principal is the party involved in those proceedings, none of the Equipment shall be deemed an asset of Principal.

23. Notices and Severability

A. Notices. All notices must be given in writing and shall be validly given if sent by certified mail, return receipt requested, or by a nationally recognized overnight courier, addressed as follows (or any other address or facsimile number that the party to be notified may have designated to the sender by like notice) or if sent by facsimile with confirmation of receipt to the facsimile number set forth below:

To City:	Director of Civic Facilities Roanoke Civic Center 710 Williamson Road, NE Roanoke, VA 24016
Facsimile:	(540) 853-2748
Copy to:	Assistant City Manager for Operations 364 Municipal Building 215 Church Avenue, SW Roanoke, VA 24011
Facsimile:	(540) 853-2773
If to Tickets.com:	Duke Little, Northeast Regional Director Tickets.com 2 Elaine Avenue Maynard, MA 01754
Facsimile:	(978) 461-0359
Copy to:	Contracts Department

Tickets.com
555 Anton Boulevard, 11th Floor
Costa Mesa, CA 92626
(714) 327-5596

Facsimile:

B. Attorneys' Fees. INTENTIONALLY OMITTED.

- C. Severability.** If any provision of this Agreement, or the application of any provision hereof to a particular entity or circumstance, shall be held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected and all other terms and conditions of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

24. Miscellaneous.

- A. Forum Selection and Choice of Law.** By virtue of entering into this Agreement, Tickets.com submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia, and further agrees that this Agreement is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes, and other matters shall only be decided by such court according to the laws of the Commonwealth of Virginia.
- B. Counterparts.** This Agreement may be executed in any number of counterparts, each of which, when executed, shall be an original and all of which together shall constitute one and the same agreement.
- C. Authority.** Each party represents and warrants that it has full right and authority to enter into and perform this Agreement in accordance with the terms hereof.
- D. Reports, Records and Audit.** Tickets.com agrees to maintain all books, records and other documents relating to this Agreement for a period of five (5) years after the end of each fiscal year included in this Agreement. The City, its authorized employees, agents, representatives, and/or state auditors shall have full access to and the right to examine, copy, and/or audit any of such materials during such period, upon prior written notice to Tickets.com.
- E. Authorized Representatives.** Tickets.com shall appoint one of its key personnel as a representative who shall have the power and authority to work with the City and represent Tickets.com in all administrative matters so as to provide for the correction of problems and reduction of costs. The Authorized Representative shall be the person identified in Tickets.com's Proposal, unless the Tickets.com provides written notice to the City naming another person to serve as its Authorized Representative.
- F. Cooperation.** Each party agrees to cooperate with the other in executing any documents or taking reasonable action necessary to carry out the intent and purpose of this Contract.
- G. Nonwaiver.** A waiver or failure by either party to enforce or require performance of any term or condition of this Agreement or the waiver of any particular breach of this Agreement by either party extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of this Agreement by either party and does not bar the nonbreaching party from requiring the other party to comply with all the terms and conditions of this Agreement and does not bar the nonbreaching party from

asserting any and all rights and/or remedies it has or might have against the other party under this Agreement or by law.

H. Authority to Sign. The persons who have executed this Agreement represent and warrant that they are duly authorized to execute this Agreement on behalf of the party for whom they are signing.

I. Nondiscrimination Clause.

1. During the performance of this Agreement, each party agrees as follows:

- i. Neither party will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of Agreement. Both parties agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - ii. Each party in all solicitations or advertisements for employees placed by or on behalf of such party will state that the party is an equal opportunity employer.
 - iii. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
2. Each party will include the provisions of the foregoing Section 1 (i, ii, and iii) in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

J. Drug-Free Workplace

1. During the performance of this Agreement, each party agrees to (i) provide a drug-free workplace for its employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the party that the party maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
2. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor and by the City, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement.

K. Faith Based Organizations. Pursuant to Virginia Code Section 2.2-4343.1, be advised that the City does not discriminate against faith-based organizations.

L. Confidentiality. The parties agree that all appropriately marked confidential information, and Tickets.com's proprietary information and knowledge related to its software products, specifically identified in writing to Principal, furnished to a party by the other pursuant to the provisions hereof shall, to the extent permitted by law, be held in strict confidence. However, Tickets.com specifically agrees and acknowledges that this Agreement is subject to the Virginia Freedom of Information Act.

M. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements, written or oral, relating to the subject matter hereof. This Agreement may not be altered or amended in any manner except by a written instrument signed by the party against whom the enforcement of such change is sought. The headings contained in this Agreement are inserted only as a matter of convenience and reference, and in no way define, limit or describe the scope or intent of this Agreement.

IN WITNESS WHEREOF, Tickets.com and Principal have each executed this Agreement by their authorized representatives.

ATTEST:

CITY OF ROANOKE, VIRGINIA

City Clerk Date

By: _____
City Manager Date

WITNESS:

TICKETS.COM, INC.

Printed Name

By: _____
Authorized Signature Date

Approved as to Form:

Printed Name and Title

City Attorney Date

Corporate Seal:

Approved as to Execution:

City Attorney Date

Appropriation and Funds Required for this Agreement Certified:

Director of Finance

Date Account Number

EXHIBIT A
To Ticketing Services Agreement Between Tickets.com, Inc. and Principal dated _____, 2002
EQUIPMENT

The following items of equipment are provided to Principal pursuant to the terms and conditions of the Agreement, and as follows:

1. Roanoke Civic Center – Installation will begin upon execution of the Agreement.
2. New Stadium/Amphitheater – Installation will begin upon completion of the Facility.

Tickets.com reserves the right to substitute or replace, at its expense, any or all of such items. All equipment listed below shall be new. If Principal chooses to request additional equipment, or new software modules not provided under this initial Exhibit A, other than upgrades provided by Tickets.com, pursuant to this Agreement, such equipment and/or software may be at a charge to the Principal.

Item	Quantity	Principal Cost
PC Terminals – Roanoke Civic Center	12	\$0.00
Ticket Printers – Roanoke Civic Center	12	\$0.00
PC Terminals – New Stadium/Amphitheater	10	\$0.00
Ticket Printers - New Stadium/Amphitheater	10	\$0.00
Standard Report Printers	3	\$0.00
Standard Laser Printer	1	\$0.00
Credit Card Swipes – Roanoke Civic Center	12	\$0.00
Credit Card Swipes – New Stadium/Amphitheater	10	\$0.00
Standard Line Printer	1	\$0.00
Standard Line Printer - New Stadium/Amphitheater	1	\$0.00
Data Communication Site Equipment	1	\$0.00
Data Communication Site Equipment for New Stadium/Amphitheater	1	\$0.00
Manned Outlets – Terminals and Printers	7	\$0.00
Data Drops	2	\$0.00
CRT Licenses ***	6	\$0.00
Total	57	\$0.00

*** Requests for additional CRT Licenses may have an associated charge.

NOTE: Tickets.com to be responsible for obtaining and paying for all necessary data communications required for operation of the Tickets.com system at the Facilities, with exception to those actual costs incurred for movement of Equipment at the request of Principal after such Equipment has been initially installed at Tickets.com's cost.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN RESOLUTION accepting the proposal of Tickets.com, Inc. to provide ticketing and related services for the City's Civic Facilities for a five year period with an option to renew for up to an additional five years upon mutual agreement by parties, and upon other terms and conditions; authorizing the proper City officials to execute the requisite contract for same; and rejecting all other proposals made to the City.

WHEREAS, the Roanoke Civic Center Commission has recommended that City Council take the above action.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council agrees with recommendation of the Roanoke Civic Center Commission.
2. The proposal of Tickets.com, Inc., to provide computerized ticketing and related services for the City's Civic Facilities for a five year period, all as more fully set forth in a letter to Council dated June 17, 2002, be and is hereby ACCEPTED.
3. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, upon form approved by the City Attorney, a Contract with Tickets.com, Inc., for the provision of computerized ticketing and related services for the City's Civic Facilities for a five year period with an option to renew for up to an additional five years upon mutual agreement of the parties and which allows Tickets.com., Inc., to make certain charges as set forth in the Contract attached to the above letter, with the terms of the Contract to be substantially similar to the Contract attached to above letter to Council.

4. The City Manager is further authorized to take such further action and/or execute such further documents as may be necessary to implement and administer such Contract.

5. Any and all other proposals made to the City for providing computerized ticketing and related services are hereby REJECTED, and the City Clerk is directed to notify each such offeror and to express to each the City's appreciation for such proposal.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award
Marquee Sign for
Roanoke Civic Center
710 Williamson Road, N.E.
Roanoke, Virginia
Bid No. 02-02-08

This project will provide a new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex. There is currently no means to announce upcoming events or events taking place that day at the facility along that side of the facility. The sign will serve to supplement an existing sign that is installed along the Williamson Road side of the building complex. This project will also provide for the interface of computer software used by both signs to permit separate or simultaneous display of message and graphics for the two signs. The new sign has received preliminary approval from VDOT, and will comply with the requirements of the City's zoning ordinance.

After proper advertisement, four bids were received on Tuesday, March 26, 2002, with Acken Signs, Incorporated, U.S. Highway 460 West, Bluefield, Virginia 24065, submitting the low bid in the amount of \$139,373. (See attached bid tabulation.) The construction time was specified as 120 consecutive calendar days.

Funding in the amount of \$150,000 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including landscaping around the base of the sign, advertising, printing, testing services, minor variations in bid quantities, and unforeseen project expenses.

Honorable Mayor and Members of Council
June 17, 2002
Page 2


Funding in the amount of \$43,500 is available from Civic Facilities Capital Outlay account number 005-550-2108-9015 and \$106,500 is available from account number 005-550-8616, Civic Center Expansion/Renovation Phase II, from the Fiscal Year 2003 Adopted Budget.

Recommended Action:

Accept the above bid and authorize the City Manager to execute a contract for the above work with Acken Signs, Incorporated in the amount of \$139,373 with 120 consecutive calendar days of contract time, and reject all other bids.

Transfer \$43,500 from account number 005-550-2108-9015 to the Civic Center Expansion/Renovation Phase II account number 005-550-8616.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/CMA/bls

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer
Robert H. Bird, Acting Purchasing Manager

#CM02-00132

TABULATION OF BIDS**MARQUEE SIGN FOR ROANOKE CIVIC CENTER****710 WILLIAMSON ROAD, N. E.****ROANOKE, VIRGINIA****BID NO. 02-02-08**

Bids were opened by Robert L. White, Manager, Purchasing Department, on Tuesday, March 26, 2002, at 2:00 p.m.

Bidder	Base Bid	Additive Bid Item (Total for Item)	Backup Information	Addendum No. 1	Bid Bond
Acken Signs, Inc.	\$ 145,207.00	\$ 139,373.00	Yes	Yes	Yes
Daktronics, Inc. (1)	\$ 314,095.00	\$ 299,875.00	Yes	Yes	Yes
Hodges Sign Co., Inc.	\$ 162,400.00	\$ 154,220.00	Yes	Did Not Acknowledge	Check
Skyway Outdoor, Inc.	\$ 149,336.19	\$ 145,263.85	Yes	Yes	Yes

(1) Other options described on "Changes to Amounts on Bid Form"

Office of the City Engineer
Roanoke, Virginia
June 17, 2002

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Civic Center Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Civic Center Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Operating	\$ 4,521,000
Civic Center Capital Outlay (1)	849,340
Capital Outlay	\$ 5,585,254
Civic Center Expansion/Renovation II (2)	893,500

1) Other Equipment	(005-550-2108-9015)	\$ (43,500)
2) Appropriated from		
General Revenue	(005-550-8616-9003)	43,500

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

B.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of Acken Signs, Incorporated for the new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex, and providing for the interface of computer software used by the new sign and the existing sign to permit separate or simultaneous display of message and graphics for the two signs, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The bid of Acken Signs, Incorporated in the amount of \$139,373.00 for the new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex, and providing for the interface of computer software used by the new sign and the existing sign to permit separate or simultaneous display of message and graphics for the two signs, as is more particularly set forth in the City Manager's letter dated June 17, 2002, to this Council, such bid being in full compliance with the City's plans and specifications made therefor and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Division, be and is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite contract with the successful bidder, based on its proposal made therefor and the City's specifications made therefor, the contract to be in such form as

is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.

3. Any and all other bids made to the City for the above work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

4. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Recommendations of Human
 Services Committee for Funding
 of Qualified Agencies for Fiscal
 Year 2002-2003

Background:

The Human Services Committee budget in the amount of \$484,264 was established by City Council with the adoption of the general fund budget for fiscal year 2002-03 on May 13, 2002. Requests from 42 agencies totaling \$1,058,648.55 were received as indicated on Attachment 1. Committee members studied each application prior to an allocation meeting held on April 9, 2002. Agencies were notified of tentative allocations and advised they could appeal these recommendations.

Appeals of Committee recommendations, as provided by policy, were received after notification to each agency of its tentative recommended allocation. Appeals were filed and heard April 23, 2001 from the following agencies: Blue Ridge Legal Services, Bradley Free Clinic, TAP-IDA Program, and National Multiple Sclerosis Society. After appeals were heard, Blue Ridge Legal Services was allocated \$3,000, Bradley Free Clinic was increased \$5,000 to \$30,000, and the National Multiple Sclerosis Society was allocated \$1,495. TAP – IDA Program was denied funding.

Performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of funded programs.

Honorable Mayor and Members of City Council
June 17, 2002
Page 2

Attachment 2 indicates funding received from other jurisdictions.

Recommended Action(s):

Transfer \$484,264 from the Human Services Committee account #001-630-5220-3700 to new line items to be established with the Human Services Committee budget by the Director of Finance as cited on Attachment 1.

Authorize the City Manager to execute contracts with the Salvation Army for the Homeless Housing Program - Red Shield Lodge, (\$14,000) and Abused Women's Shelter - The Turning Point, (\$14,000); St. John's Community Youth Program, Inc., (\$5,000); and the Council of Community Services, for performance audits to be conducted, (\$11,000).

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:tem

Attachments

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Glenn D. Radcliffe, Director of Human/Social Services

#CM02-00130

**HUMAN SERVICES COMMITTEE
FUNDING ALLOCATION RECOMMENDATIONS
2002/03**

	Requested 2002/03	Received 2002/03	Received 2001/02
Planned Parenthood of Blue Ridge	8,000	4,000	4,000
Adult Care Center:			
A. Adult Day Care	7,728	6,000	6,000
B. Weekend Day & Overnight Respite	672	600	600
Prevent Child Abuse:			
A. Parenting Programs	2,125	2,000	4,000
B. Puppet Show	2,125	2,000	
Unified Human Services Transportation (RADAR)			
Star Program	27,000	24,000	24,000
Greenvale School	10,000	9,000	9,000
Council of Community Services:			
Information and Referral/Volunteer Roanoke Valley	14,039	13,369	13,369
Roanoke Adolescent Health Partnership, Inc.	20,000	9,500	9,500
Southwestern Virginia Second Harvest Food Bank	25,000	15,000	15,000
Blue Ridge Independent Living Center	24,297	2,200	2,200
Boys and Girls Club – Violence Prevention	25,192	-0-	3,000
Roanoke Valley Speech and Hearing Center	4,000	3,500	3,500
National Multiple Sclerosis Society	6,000	1,495	1,000
American Red Cross –Roanoke Chapter – Disaster Services	55,000	-0-	-0-
Northwest Child Development Center	24,000	20,000	20,000
Roanoke Valley Family Learning Center	10,000	-0-	-0-
Bethany Hall	20,850	7,500	7,500
The National Conference for Community and Justice (NCCJ)	5,000	2,000	2,000
Blue Ridge Legal Services, Inc.	15,238	3,000	-0-
Bradley Free Clinic	110,000	30,000	22,500
YWCA:			
A. Child Care	10,000	4,000	4,000
B. KISS	3,000	-0-	-0-
C. Residents Program	10,000	-0-	-0-
D. Youth Club	10,000	-0-	-0-
Total Action Against Poverty – IDA Program	42,000	-0-	-0-
Mental Health Association	2,200	2,200	2,200
Roanoke Valley Interfaith Hospitality Network	8,333	-0-	-0-
League of Older Americans	34,186	29,000	29,000
Girl Scouts of Virginia Skyline Council, Inc.	5,000	5,000	5,000
Roanoke Area Ministries	45,000	40,000	40,000
Inner City Athletic Association	10,000	5,000	5,000
Presbyterian Community Center, Inc. – Pathways Program	8,000	4,000	4,000
Roanoke Valley CASA	8,000	6,000	6,000
West End Center for Youth	70,000	35,000	35,000
Big Brothers/Big Sisters of Roanoke Valley:			
A. Community Based Mentoring Program	10,000	4,000	4,000
B. M& M's – Mentoring and Matches	10,000	3,000	3,000
Literacy Volunteers of America of Roanoke Valley	3,000	1,000	1,000

Apple Ridge Farm – Summer Academic Camp	20,000	-0-	-0-
Good Samaritan Hospice	5,000	1,000	1,000
TRUST – Roanoke Valley Trouble Center	10,000	7,600	7,600
Goodwill Industries			
A. Transportation	39,900	38,000	38,000
B. Supported Employment	N/A		
St. John's Community Youth Program, Inc.	10,000	5,000	5,000
Conflict Resolution Center	52,000	6,000	6,000
Family Services of Roanoke Valley:			39,500
A. Family and Individual Counseling	10,000	10,000	
B. Adults Plus	14,500	14,500	
C. Home Care Aide	15,000	15,000	
D. Domestic Violence Treatment	7,500	-0-	
E. Teen Outreach Program (TOP)	3,000	-0-	
YMCA Of Roanoke Valley			
A. Homework Success Program	35,263.55		
B. Magic Place	8,500	9,000	9,000
CHIP:			
A. Care Coordination Program	27,750	21,450	21,450
B. Helpful Opportunities for Parents to Excel	15,000		-0-
C. Family Strengthening Program	32,250	24,350	24,350
Salvation Army:			
A. Shelter for Homeless Men	17,000	14,000	14,000
B. Abused Women's Shelter (Turning Point)	20,000	14,000	14,000
Council of Community Services – Monitoring Services	11,000	11,000	11,000
TOTAL	1,058,648.55	484,264	

2001-2002 & 2002-2003 REGIONAL HUMAN SERVICE AGENCY FUNDING

AGENCY	Roanoke		Roanoke County		Salem	
	2001-02 Allocation	2002-03 Recommended	2001-02 Allocation	2002-03 Allocation	2001-02 Allocation	2002-03 Allocation
Planned Parenthood	4,000	4,000				
Adult Care Center	6,600	6,600	10,000	10,000	6,300	6,300
Prevent Child Abuse	4,000	4,000	3,500	3,500	2,360	2,360
Unified Human Services Transportation – RADAR	24,000	24,000				
Greenvale School	9,000	9,000				
Council of Community Services – Info and Referral	13,369	13,369	3,000	3,000	2,500	2,500
Roanoke Adolescent Health Partnership	9,500	9,500				
Southwestern Virginia Second Harvest Food Bank	15,000	15,000	2,500	3,000		
Blue Ridge Independent Living Center	2,200	2,200	-0-	10,000		
Roanoke Valley Speech and Hearing Center	3,500	3,500	1,000	1,000	1,400	1,400
National Multiple Sclerosis Society	1,000	1,495	-0-	-0-	500	-0-
Northwest Child Development Center	20,000	20,000				
Bethany Hall	7,500	7,500	500	500		
The National Conference for Community and Justice	2,000	2,000	610	650	750	750
Blue Ridge Legal Services	3,000	-0-	-0-	-0-		
Bradley Free Clinic	22,500	30,000	5,000	5,000	3,000	3,000
YWCA	4,000	4,000				
Mental Health Association	2,200	2,200	640	700	500	500
League of Older Americans	29,000	29,000	13,750	13,750	8,000	8,000
Girl Scouts of Virginia Skyline Council, Inc.	5,000	5,000				
Roanoke Area Ministries	40,000	40,000	1,000	1,000	1,500	1,500
Inner City Athletic Association	5,000	5,000				
Presbyterian Community Center, Inc.	4,000	4,000	-0-	-0-		
Roanoke Valley CASA	6,000	6,000	2,000	2,000	3,500	3,500
West End Center for Youth	35,000	35,000				
Big Brothers/Big Sisters of Roanoke Valley	7,000	7,000	3,000	3,000	3,000	3,000
Literacy Volunteers of Roanoke Valley	1,000	1,000	1,000	1,000	1,000	1,000
Good Samaritan Hospice	1,000	1,000	1,000	1,000	5,500	5,500
TRUST – Roanoke Valley Trouble Center	7,600	7,600	4,750	4,750	4,000	4,000
Goodwill Industries	38,000	38,000	15,000	5,000	30,000	30,000
St. John's Community Youth Program, Inc.	5,000	5,000				
Conflict Resolution Center	6,000	6,000	-0-	-0-	1,500	1,500
Family Services of Roanoke Valley	39,500	39,500	4,000	4,000	2,000	2,000
YMCA of Roanoke Valley	9,000	9,000				
CHIP	45,800	45,800	16,600	16,660	39,000	39,000
Salvation Army	28,000	28,000	2,000	2,000	2,500	2,500

CONTRACT FOR SERVICES

This agreement, made this _____ day of _____, 2002, by and between the City of Roanoke (the "City") and The Council of Community Services (the "Council").

The parties hereto agree as follows:

I. SCOPE OF SERVICES

The Council will provide monitoring of objectives for programs and services of thirty-six (36) agencies receiving funds through the City's Human Services Committee. All work shall be coordinated with the Director of Human Services/Social Services, City of Roanoke. The scope of services shall include:

- A. Monitoring of the following agencies to ensure compliance with the information provided in connection with each agency's request for funds to the City's Human Services Committee:

Planned Parenthood of Blue Ridge
Adult Care Center
Prevent Child Abuse
Unified Human Services Transportation (RADAR)
Greenvale School
Council of Community Services I & R
Roanoke Adolescent Health Partnership, Inc.
Southwestern Virginia Second Harvest Food Bank
Blue Ridge independent Living Center
Roanoke Valley Speech and Hearing Center
National Multiple Sclerosis Society
Northwest Child Development Center
Bethany Hall
The National Conference for Community and Justice
Blue Ridge Legal Services
Bradley Free Clinic
YWCA
Mental Health Association
League of Older Americans
Girl Scouts of Virginia Skyline Council, Inc.
Roanoke Area Ministries
Inner City Athletic Association
Presbyterian Community Center, Inc.
Roanoke Valley CASA
West End Center for Youth
Big Brothers/Big Sisters of Roanoke Valley
Literacy Volunteers of America – Roanoke Valley
Good Samaritan Hospice

TRUST

Goodwill Industries

St. John's Community Youth Program, Inc.

Conflict Resolution Center

Family Services of Roanoke Valley

YMCA of Roanoke Valley

CHIP

Salvation Army

- B. Understanding and reporting on each agency's compliance with its goals, objectives and performance measures;
- C. Providing for on-site visits to the programs and services to be monitored;
- D. Preparing a report to the Human Services Committee describing each agency's program and services, adherence to the goals, objectives, and performance measures for which City funding was received;
- E. Presenting a verbal or written report on the activities of the agencies as requested by the Human Services Committee.

Changes or additions to the scope of services can be made at the discretion of the City, with the consent of the Council.

II. TIME OF PERFORMANCE

The terms of this agreement shall be for a 12-month period beginning July 1, 2002, and ending June 30, 2003.

III. FEES

The total compensation of the Council for above scope of service shall be \$11,000 per year. This cost included professional staff time, clerical services, printing and copying, travel, supplies and all expenses necessary to complete the scope of services.

IV. PROPOSED PAYMENT SCHEDULE

Payment to Council shall be made upon completion of all services to the satisfaction of the City.

VI. REPORTING

The Council agrees to submit written monitoring reports semi-annually to the Human Services Committee.

VII. INDEMNIFICATION

The Council agrees to indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, legal actions and judgments advanced against the City and for expenses the City may incur in this regard, arising out of the Council's negligent acts or omissions with respect to the rights and privileges granted by the City to the Council in this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year herein above written:

ATTEST:

CITY OF ROANOKE

BY _____
Mary F. Parker, City Clerk

BY _____
Darlene L. Burcham, City Manager

ATTEST:

THE COUNCIL OF COMMUNITY
SERVICES

BY _____
Title: _____

BY _____
Executive Director

Certified as to Funds:

Director of Finance
Account # 001-630-5220-2010

Approved as to Form:

Assistant City Attorney

Approved as to Execution:

Assistant City Attorney

CITY OF ROANOKE
DEPARTMENT OF HUMAN SERVICES

Abused Women's Program Contract

The named parties hereby enter into agreement, subject to the terms and conditions stated herein.

CONTRACTOR

The Salvation Army
P. O. Box 1631
Roanoke, Virginia 24008

CITY AGENCY

City of Roanoke
Department of Human Services
215 W. Church Avenue
P. O. Box 1140
Roanoke, VA 24006-1140

CONTRACT PERIOD

July 1, 2002 through June 30, 2003

I. COMPLETE DESCRIPTION OF SERVICES

- A. Provide beds for battered women and their dependent children who are City residents during the period covered by this contract.
- B. Provide vocational guidance, individual counseling, and job placement assistance to a program monitored by the Department of Human Resources to individuals placed in the program as a result of this contract.
- C. Provide requested reports to the Department of Human Services, which will include:
 - 1. Information on services given.
 - 2. Number of City residents served.
 - 3. Assurance that verification is on file that residents for whom the City of Roanoke is billed were residents of the City of Roanoke prior to entering the shelter.
 - 4. Reports as required by the monitoring staff of the Citizens Services Committee.
- D. Provide written documentation that the physical facility is in compliance with all state and local fire, health, building, and other relevant codes.
- E. Provide cooperation and compliance with the direction of the Director of Human Development and other authorized City officials.

- F. Provide the Department of Human Services with specific and measurable program objectives to be accomplished during this contract period.

II. COMPENSATION AND SCHEDULE OF PAYMENTS

- A. The City of Roanoke agrees during this contract period to pay the Contractor \$25.00 per family per day for City residents up to a total not to exceed \$ 14,000.00 in total for the year for services under the conditions set forth herein. Payments will be made upon receipt of a properly executed and approved invoice on a monthly schedule. Contractor shall submit such invoice at the end of each month.
- B. The City of Roanoke reserves the right to withhold funds for services if it is determined that the services identified in Section I of this contract are not being provided in a professional, acceptable manner.

III. CITY LIABILITY

- A. The Contractor acknowledges that the City of Roanoke Shall not be responsible for any actions of Contractor's employees or designated representatives of the program. In the event of any litigation which may arise as a result of the Contractor's operation of this program, the Contractor agrees to assume the risk and/or liability for the cost of any such litigation, including, but not limited to, payment of damages or attorney fees to the plaintiff and hold the City of Roanoke harmless therefrom. The Contractor also acknowledges and agrees that it will provide its own legal representation and bear the cost of the same. The Contractor also acknowledges and agrees that the City shall not be obligated to provide insurance coverage, either commercially or self supplied for the Contractor.
- B. Nothing contained herein shall be deemed an expressed or implied waiver of the sovereign immunity of the City of Roanoke.
- C. Neither the Contractor, its employees, assigns, or subcontractors shall be deemed employees of the City of Roanoke or of the Department of Human Services while performing under this agreement.

IV. NON-DISCRIMINATION

During the performance of this contract, the Contractor agrees as follows:

- A. The Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, sex, disability, or national origin, except where religion, sex, disability, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor

agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

- B. The Contractor in all solicitations or advertisements for employees placed by or on behalf of the Contractor will state that such Contractor is an equal employment opportunity employer.
- C. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of A and B above.

V. GENERAL PROVISIONS

- A. Nothing in this contract shall be construed as authority for either party to make commitments, which bind the other party beyond the scope of this contract.

VI. CANCELLATION CLAUSE

- A. This contract shall remain in full force and effect until canceled by either party giving the other party 30 days written notice of cancellation. Any such notice of cancellation shall be in writing and sent by certified mail (return receipt required) to the City of Roanoke, Director of Human Services/Social Services, Room 307, Municipal North, 215 W. Church Avenue, P. O. Box 1140, Roanoke, Virginia 24006-1140 in the case of the City; and to the Captain, the Salvation Army, P. O. Box 1631, Roanoke, Virginia 24008 in the case of The Salvation Army. No payment will be made for expenses incurred or services rendered after receipt of notice except those expenses incurred prior to date of termination that are necessary to curtailment of operations under this contract.
- B. The Contractor is hereby informed that failure to comply with any of the above conditions shall constitute grounds upon which the City of Roanoke may terminate this contract and/or discontinue payments after 30 days notice to the Contractor.
- C. If this action is taken, the Director of Human Services/Social Services will notify the program in writing by certified mail.

VII. RELIGIOUS ORGANIZATION

- A. It is recognized that the Salvation Army is a religious organization, and as such, agrees that religious programs and orientation shall not be mandated for residents, but may be made available at the resident's request. No such program or orientation will be funded in whole or in part with funds provided pursuant to this contract.

IN WITNESS WHEREOF by the following signatures and seals the **City of Roanoke** and **The Salvation Army** have executed this contract as of this _____ day of _____, 2002.

CITY OF ROANOKE

City Manager

THE SALVATION ARMY

(Title)

Certified as to Funds:

Director of Finance
Account # 001-630-5220-3752

Approved as to Form:

Assistant City Attorney

Approved as to Execution:

Assistant City Attorney

CITY OF ROANOKE
DEPARTMENT OF HUMAN SERVICES

Homeless Program Contract

The named parties hereby enter into agreement, subject to the terms and conditions stated herein.

CONTRACTOR

The Salvation Army
P. O. Box 1631
Roanoke, Virginia 24008

CITY AGENCY

City of Roanoke
Department of Human Services
215 W. Church Avenue, SW
P. O. Box 1140
Roanoke, Virginia 24006-1140

CONTRACT PERIOD

July 1, 2002 through June 30, 2003

I. COMPLETE DESCRIPTION OF SERVICES

Contractor agrees to:

- A. Provide beds for men, women, and their dependent children who are City residents during the period covered by this contract.
- B. Provide food, shelter, vocational guidance, individual counseling, and job placement assistance to a program monitored by the Department of Human Development to individuals placed in the program as a result of this contract.
- C. Provide requested reports to the Department of Human Services which will include:
 - 1. Information on services given.
 - 2. Number of City residents served.
 - 3. Assurance that verification is on file that residents for whom the City of Roanoke is billed were residents of the City of Roanoke Prior to entering the shelter.
 - 4. Reports as required by the monitoring staff of the Human Services Committee.
- D. Provide written documentation that the physical facility is in compliance with all state and local fire, health, building, and other relevant codes.

1. Provide cooperation and compliance with the direction of the Director of Human Services/Social Services and other authorized City officials.
- E. Provide the Department of Human Services with specific and measurable program objectives to be accomplished during this contract period.

II. COMPENSATION AND SCHEDULE OF PAYMENTS

- A. The City of Roanoke agrees during this contract period to pay the Contractor \$20.00 per day per bed for City residents up to a total not to exceed \$14,000.00 in total for the year for services under the conditions set forth herein. Payments will be made upon receipt of a properly executed and approved invoice on a monthly schedule. Contractor shall submit such invoice at the end of each month.
- B. The City of Roanoke reserves the right to withhold funds for services if it is determined that the services identified in Section I of this contract are not being provided in a professional, acceptable manner.

III. CITY LIABILITY

- A. The Contractor acknowledges that the City of Roanoke shall not be responsible for any actions of Contractor's employees or designated representatives of the program. In the event of any litigation which may arise as a result of the Contractor's operation of this program, the Contractor agrees to assume the risk and/or liability for the cost of any such litigation including, but not limited to, payment of damages or attorney fees to the plaintiff and hold the City of Roanoke harmless therefrom. The Contractor also acknowledges and agrees that it will provide its own legal representation and bear the cost of the same. The Contractor also acknowledges and agrees that the City shall not be obligated to provide insurance coverage, either commercially or self supplied for the Contractor.
- B. Nothing contained herein shall be deemed an expressed or implied waiver of the sovereign immunity of the City of Roanoke.
- C. Neither the Contractor, its employees, assigns, or subcontractors shall be deemed employees of the City of Roanoke or of the Department of Human Services while performing under this agreement.

IV. NON-DISCRIMINATION

During the performance of this contract, the Contractor agrees as follows:

- A. The Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, sex, disability, or national origin, except where religion, sex, disability or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this non-discrimination clause.
- B. The Contractor in all solicitations or advertisements for employees placed by or on behalf of the Contractor will state that such Contractor is an equal employment opportunity employer.
- C. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of A and B above.

V. GENERAL PROVISIONS

- A. Nothing in this contract shall be construed as authority for either party to make commitments which bind the other party beyond the scope of this contract.

VI. CANCELLATION CLAUSE

- A. This contract shall remain in full force and effect until canceled by either party giving the other party 30 days written notice of cancellation. Any such notice of cancellation shall be in writing and sent by certified mail (return receipt required) to the City of Roanoke, Director of Human Services/Social Services, Room 307, 215 W. Church Avenue, P. O. Box 1140, Roanoke, Virginia 24006-1140 in the case of the City; and to the Captain, The Salvation Army, P. O. Box 1631, Roanoke, Virginia 24008 in the case of The Salvation Army. No payment will be made for expenses incurred or services rendered after receipt of notice except those expenses incurred prior to date of termination that are necessary to curtailment of operations under this contract.
- B. The Contractor is hereby informed that failure to comply with any of the above conditions shall constitute grounds upon which the City of Roanoke may terminate this contract and/or discontinue payments after 30 days notice to the Contractor.
- C. If this action is taken, the Director of Human Services/Social Services will notify the program in writing by certified mail.

VII. RELIGIOUS ORGANIZATION

- A. It is recognized that the Salvation Army is a religious organization, and as such, agrees that religious programs and orientation shall not be mandated for residents, but may be made available at the resident's request. No such program or orientation will be funded in whole or in part with funds provided pursuant to this contract.

IN WITNESS WHEREOF by the following signatures and seals the **City of Roanoke** and **The Salvation Army** have executed this contract as of this _____ day of _____, 2002.

CITY OF ROANOKE

City Manager

THE SALVATION ARMY

(Title)

Certified as to Funds:

Director of Finance
Account # 001-630-5220-3752

Approved as to Form:

Assistant City Attorney

Approved as to Execution:

Assistant City Attorney

CITY OF ROANOKE
DEPARTMENT OF HUMAN SERVICES

St. John's Community Youth Program, Inc.

The named parties hereby enter into agreement, subject to the terms and conditions stated herein.

CONTRACTOR

St. John's Community Youth Program
1 Mountain Avenue, SW
Roanoke, Virginia 24016

CITY AGENCY

City of Roanoke
Department of Human Services
215 W. Church Avenue
P.O. Box 1140
Roanoke, VA 24006-1140

CONTRACT PERIOD

July 1, 2002 through June 30, 2003

I. COMPLETE DESCRIPTION OF SERVICES

Provide at-risk students from four middle schools in Roanoke City (Madison, Addison, Woodrow Wilson, and Ruffner) with healthy alternative activities during the hours immediately following school when parents are at work and the youth may otherwise engage in risky, unhealthy behaviors.

Activities will include life skills education classes, teen voluntarism, recreation, arts and science enrichment, group counseling, tutoring and positive role models.

Programming will address issues such as sexuality education, alcohol and drug education, self-esteem, teamwork, conflict resolution, and communication.

Promotes parental involvement through required volunteering, and Family Night Out educational dinners.

II. COMPENSATION AND SCHEDULE OF PAYMENTS

- A. The City of Roanoke agrees during this contract period to pay the Contractor \$5,000.00 in total for the year for services under the conditions set forth herein.
- B. The City of Roanoke reserves the right to withhold funds for services if it is determined that the services identified in Section I of this contract are not being provided in a professional, acceptable manner.

III. CITY LIABILITY

- A. The Contractor acknowledges that the City of Roanoke Shall not be responsible for any actions of Contractor's employees or designated representatives of the program. In the event of any litigation which may arise as a result of the Contractor's operation of this program, the Contractor agrees to assume the risk and/or liability for the cost of any such litigation, including, but not limited to, payment of damages or attorney fees to the plaintiff and hold the City of Roanoke harmless therefrom. The Contractor also acknowledges and agrees that it will provide its own legal representation and bear the cost of the same. The Contractor also acknowledges and agrees that the City shall not be obligated to provide insurance coverage, either commercially or self supplied for the Contractor.
- B. Nothing contained herein shall be deemed an expressed or implied waiver of the sovereign immunity of the City of Roanoke.
- C. Neither the Contractor, its employees, assigns, or subcontractors shall be deemed employees of the City of Roanoke or of the Department of Human Services while performing under this agreement.

IV. NON-DISCRIMINATION

During the performance of this contract, the Contractor agrees as follows:

- A. The Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, sex, disability, or national origin, except where religion, sex, disability, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this non-discrimination clause.
- B. The Contractor in all solicitations or advertisements for employees placed by or on behalf of the Contractor will state that such Contractor is an equal employment opportunity employer.
- C. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of A and B above.

V. GENERAL PROVISIONS

- A. Nothing in this contract shall be construed as authority for either party to make commitments which bind the other party beyond the scope of this contract.

VI. CANCELLATION CLAUSE

- A. This contract shall remain in full force and effect until canceled by either party giving the other party 30 days written notice of cancellation. Any such notice of cancellation shall be in writing and sent by certified mail (return receipt required) to the City of Roanoke, Director of Human Services/Social Services, Room 307, Municipal North, 215 W. Church Avenue, P. O. Box 1140, Roanoke, Virginia 24006-1140 in the case of the City; and to St. John's Community Youth Program, Executive Director, 1 Mountain Avenue, SW, Roanoke, VA 24016. No payment will be made for expenses incurred or services rendered after receipt of notice except those expenses incurred prior to date of termination that are necessary to curtailment of operations under this contract.
- B. The Contractor is hereby informed that failure to comply with any of the above conditions shall constitute grounds upon which the City of Roanoke may terminate this contract and/or discontinue payments after 30 days notice to the Contractor.
- C. If this action is taken, the Director of Human Services/Social Services will notify the program in writing by certified mail.

VII. RELIGIOUS ORGANIZATION

- A. It is recognized that the St. John's Community Youth Program is a religious organization, and as such, agrees that religious programs and orientation shall not be mandated for participants, but may be made available at the participant's request. No such program or orientation will be funded in whole or in part with funds provided pursuant to this contract.

IN WITNESS WHEREOF by the following signatures and seals the **City of Roanoke** and **St. John's Community Youth Program** have executed this contract as of this _____ day of _____, 2002

CITY OF ROANOKE

City Manager

ST. JOHN'S COMMUNITY YOUTH PROGRAM

(Title)

Certified as to Funds:

Director of Finance
Account # 001-630-5220-3797

Approved as to Form:

Assistant City Attorney

Approved as to Execution:

Assistant City Attorney

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Health and Welfare		\$ 27,979,647
Human Services Committee (1-38)		484,264
1) Fees for Professional Services	(001-630-5220-2010)	\$ 11,000
2) YMCA of Roanoke Valley	(001-630-5220-3708)	9,000
3) Literacy Volunteers of America	(001-630-5220-3709)	1,000
4) Family Services of Roanoke	(001-630-5220-3720)	39,500
5) Bradley Free Clinic	(001-630-5220-3721)	30,000
6) League of Older Americans	(001-630-5220-3722)	29,000
7) Roanoke Area Ministries	(001-630-5220-3723)	40,000
8) RADAR	(001-630-5220-3725)	24,000
9) Bethany Hall	(001-630-5220-3728)	7,500
10) Big Brothers/Big Sisters	(001-630-5220-3729)	7,000
11) Child Abuse Prevention	(001-630-5220-3730)	4,000
12) Council of Community Services	(001-630-5220-3732)	13,369
13) Northwest Child Development Center	(001-630-5220-3734)	20,000
14) Roanoke Valley Speech and Hearing	(001-630-5220-3738)	3,500
15) TRUST	(001-630-5220-3740)	7,600
16) Inner City Athletic Association	(001-630-5220-3744)	5,000
17) West End Center	(001-630-5220-3745)	35,000
18) Adult Care Center	(001-630-5220-3746)	6,600

19) Tinker Mountain Industries	(001-630-5220-3747)	\$ 38,000
20) Conflict Resolution Center	(001-630-5220-3748)	6,000
21) CHIP	(001-630-5220-3751)	45,800
22) Salvation Army	(001-630-5220-3752)	28,000
23) Roanoke Adolescent Health Partnership	(001-630-5220-3767)	9,500
24) Court Appointed Special Advocate	(001-630-5220-3775)	6,000
25) Greenvale Nursery Schoole	(001-630-5220-3780)	9,000
26) Blue Ridge Independent Living Center	(001-630-5220-3781)	2,200
27) National MS Society	(001-630-5220-3783)	1,495
28) Mental Health Association Of Roanoke Valley	(001-630-5220-3784)	2,200
29) YMCA	(001-630-5220-3785)	4,000
30) National Conference for Community and Justice	(001-630-5220-3786)	2,000
31) Reserve - SW Virginia Second Harvest Food Bank	(001-630-5220-3788)	15,000
32) Planned Parenthood of the Blue Ridge	(001-630-5220-3795)	4,000
33) St. John's Community Youth Program	(001-630-5220-3797)	5,000
34) Virginia Skyline Girl Scout Council, Inc.	(001-630-5220-3798)	5,000
35) Good Samaritan Hospice	(001-630-5220-3799)	1,000
36) Presbyterian Community Center	(001-630-5220-3801)	4,000
37) Blue Ridge Legal Services, Inc.	(001-630-5220-3802)	3,000
38) Subsidies	(001-630-5220-3700)	(484,264)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall
be in effect from its passage.

ATTEST:

City Clerk.

DAC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION concurring in the recommendations of the Human Services Committee ("Committee") for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2002- 2003; authorizing the City Manager or her designee to execute a contract with the Salvation Army for provision of services under the Homeless Housing Program - Red Shield Lodge, and/or Abused Women's Shelter - The Turning Point, to execute a contract with St. John's Community Youth Program, Inc., for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits.

WHEREAS, the Fiscal Year 2002-2003 budget approved by City Council for the Human Services Committee provides for funding in the amount of \$484,264.00;

WHEREAS, in order to obtain an allocation for such funds, it was necessary for agencies to file applications with the Human Services Committee;

WHEREAS, requests for City funding in the total amount of \$1,058,648.55 were received by the Human Services Committee from forty-two (42) agencies;

WHEREAS, after studying each application and holding allocation meeting hearings, the Committee has recommended allocation of funding to certain applicant agencies for Fiscal Year 2002-2003; and

WHEREAS, performance audits are to be conducted for each agency receiving funds through the Committee to evaluate the effectiveness and efficiency of funded programs.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. Council concurs in the recommendations of the Human Services Committee as to the allocations for funding of various nonprofit agencies and performance audits for Fiscal Year 2002-2003 as more particularly set forth in the Committee report submitted to this Council, dated June 17, 2002, and the attachment to that report.

2. The Chairman of the Human Services Committee and the Director of Human Development are authorized to release funds to the appropriate agency, provided objectives, activities, and other reasonable requests of the monitoring staff as well as compliance with items reviewed by Municipal Auditing have been submitted and accepted.

3. The City Manager or her designee is authorized to execute a contract with the Salvation Army for provision of services under the Homeless Housing Program and/or Abused Women's Shelter for the Homeless Housing Program - Red Shield Lodge, (\$14,000.00) and abused Women's Shelter - The Turning Point (\$14,000.00); St. John's Community Youth Program, Inc., (\$5,000.00); and the Council of Community Services, for performance audits to be conducted, (\$11,000.00).

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Recommendations of the
Roanoke Arts Commission

Background:

The Roanoke Arts Commission budget for funds to be allocated to cultural agencies in the amount of \$289,112 was established by City Council with the adoption of the General Fund budget for FY 2002-03. Requests from fifteen (15) agencies totaling \$456,410 were received as indicated on Attachment A. Committee members studied each application prior to an allocation meeting held April 10, 2001. Agencies were notified of tentative allocations and advised they could appeal these recommendations. No appeals were filed. The recommended allocations for FY03 are detailed on Attachment A.

Recommended Action:

Transfer \$289,112 as cited on Attachment A from account #001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission budget by the Director of Finance for FY 2002-03.

Respectfully submitted,

Darlene L. Burcham
City Manager

CM02-00111

DLB:gr

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Elizabeth A. Neu, Director of Economic Development

**2002-2003 AGENCY FUNDING ADVISORY COMMITTEE REQUEST & ALLOCATIONS
ROANOKE ARTS COMMISSION**

Attachment A

AGENCY	2000-2001 Appropriation	2001-2002 Request	2001-2002 Recommendation	2002-2003 Request	2002-2003 Recommendation
Arts Council of the Blue Ridge	11,500.00	13,500.00	11,500.00	13,500.00	12,500.00
Art Museum of Western VA	14,000.00	22,778.00	14,000.00	15,806.00	14,000.00
Blue Ridge Public Television	4,500.00	4,500.00	4,500.00	-0-	-0-
Blue Ridge Zoological Society of VA	10,047.00	12,000.00	10,047.00	13,000.00	10,500.00
Harrison Museum of African American Culture	17,223.00	97,078.00	22,479.00	57,854.00	28,750.00
Julian Stanley Wise Foundation	1,895.00	20,000.00	1,895.00	20,000.00	-0-
Mill Mountain Playhouse Co.	9,500.00	12,000.00	9,500.00	12,500.00	10,500.00
Opera Roanoke	6,272.00	7,875.00	6,272.00	7,500.00	6,500.00
Roanoke Ballet Theatre	1,875.00	1,575.00	1,875.00	1,500.00	1,500.00
History Museum & Historical Society of Western Virginia	9,125.00	10,000.00	9,125.00	10,000.00	9,500.00
Roanoke Symphony Society	21,500.00	40,000.00	21,500.00	40,000.00	21,500.00
Science Museum of Western VA	32,375.00	250,000.00	32,375.00	102,000.00	40,112.00
Southwest Virginia Ballet	2,250.00	2,350.00	2,250.00	5,000.00	2,000.00
Virginia's Explore Park	36,750.00	50,000.00	36,750.00	36,750.00	36,750.00
Virginia Museum of Transportation	85,000.00	100,000.00	85,000.00	100,000.00	85,000.00

**2002-2003 AGENCY FUNDING ADVISORY COMMITTEE REQUEST & ALLOCATIONS
ROANOKE ARTS COMMISSION**

Attachment A

AGENCY	2000-2001 Appropriation	2001-2002 Request	2001-2002 Recommendation	2002-2003 Request	2002-2003 Recommendation
Western Virginia Land Trust	5,375.00	10,000.00	5,375.00	-0-	-0-
*Young Audiences of Virginia	-0-	5,000.00	3,000.00	15,000.00	4,000.00
Monitoring	6,000.00		6,000.00	6,000.00	6,000.00
TOTAL	275,187.00	658,656.00	283,443.00	\$456,410.00	\$289,112.00

No New Applications

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Parks, Recreation and Cultural	\$ 3,981,426
Roanoke Arts Commission (1-16).	289,112

1) Fees for Professional Services	(001-310-5221-2010)	\$ 6,000
2) Mill Mountain Zoo	(001-310-5221-3701)	10,500
3) Harrison Museum of African American Culture	(001-310-5221-3713)	28,750
4) Virginia Museum of Transportation	(001-310-5221-3714)	85,000
5) Roanoke Symphony and Roanoke Valley Choral	(001-310-5221-3736)	21,500
6) Roanoke Valley Arts Council	(001-310-5221-3737)	12,500
7) Mill Mountain Playhouse	(001-310-5221-3749)	10,500
8) Art Museum of Western Virginia	(001-310-5221-3750)	14,000
9) Virginia's Explore Park	(001-310-5221-3758)	36,750
10) Opera Roanoke	(001-310-5221-3762)	6,500
11) Science Museum of Western Virginia	(001-310-5221-3774)	40,112
12) Roanoke Valley Historical Society	(001-310-5221-3776)	9,500
13) Roanoke Ballet Theatre	(001-310-5221-3779)	1,500

- | | | |
|---------------------------------|---------------------|-----------|
| 14) Southwest Virginia Ballet | (001-310-5221-3794) | \$ 2,000 |
| 15) Young Audiences of Virginia | (001-310-5221-3802) | 4,000 |
| 16) Subsidies | (001-310-5221-3700) | (289,112) |

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Juvenile Accountability Incentive
Block Grant Award

Background:

The Department of Criminal Justice Services notified Roanoke and Roanoke County in May, 2002 of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG). The allocation of \$48,493 in federal funds was awarded jointly to the two jurisdictions. A local match of \$5,388 is required.

Considerations:

The allocation formula provides \$34,706 federal and \$3,856 match for Roanoke and \$13,787 federal and \$1,532 match for Roanoke County. Staff from the jurisdictions have met and developed program proposals for the use of the funding. Roanoke County will provide a substance abuse intervention education program through the schools. Roanoke, in collaboration with the Boys & Girls Club, will provide services to students suspended or otherwise absent from school during the day.

Funding for the City's match of \$3,856 is in Account No. 001-631-3330-8005, Outreach Detention. Roanoke is the fiscal agent for the funds.

Honorable Mayor and Members of City Council
June 17, 2002
Page 2

Recommended Action:

Authorize the City Manager or her designee to accept the JAIBG grant allocation of \$34,706 (Roanoke) and \$13,787 (Roanoke County), total amount of \$48,493, to execute the agreement from the Department of Criminal Justice Services for the funds, and authorize the appropriation of \$3,856 from Account No. 001-631-3330-8005, Outreach Detention, to an account for the JAIBG allocation to be established by the Director of Finance.

Authorize the Director of Finance to establish appropriation amounts and revenue estimates for this grant.

Respectfully submitted,



Darlene L. Burcham
City Manager

GDR:tem

- c: Rolanda A. Johnson, Assistant City Manager for Community Development
Glenn D. Radcliffe, Director of Human/Social Services
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
John M. Chambliss, Jr., Assistant County Administrator

#CM02-00124

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 General and Grant Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Public Safety	\$	46,886,867
Outreach Detention (1).		167,919
Nondepartmental	\$	72,501,312
Transfer of Other Funds (2).		72,139,302

Grant Fund

Appropriations

Health and Welfare	\$	3,334,610
Juvenile Accountability Incentive Block Grant - FY02 City of Roanoke (3).		38,562
Juvenile Accountability Incentive Block Grant - FY02 Roanoke County (4).		15,319

Revenues

Health and Welfare	\$	3,334,610
Juvenile Accountability Incentive Block Grant - FY02 City of Roanoke (5-6).		38,562
Juvenile Accountability Incentive Block Grant - FY02 Roanoke County (7-8)		15,319

1) Reimbursements	(001-631-3330-8005)	\$ (3,856)
2) Transfer to Grant Fund	(001-250-9310-9535)	3,856
3) Fees for		
Professional Services	(035-630-5054-2010)	38,562
4) Fees for		
Professional Services	(035-630-5056-2010)	15,319
5) State Grant Receipts	(035-630-5054-5054)	34,706
6) Local Match	(035-630-5054-5055)	3,856
7) State Grant Receipts	(035-630-5056-5056)	13,787
8) Local Match	(035-630-5056-5057)	1,532

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

DK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The Juvenile Accountability Incentive Block Grant funds from the Virginia Department of Criminal Justice Services, in the amount of \$48,493.00, as set forth in the City Manager's letter, dated June 17, 2002, to this Council are hereby ACCEPTED.
2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these grant funds and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds. All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Comprehensive Services
Act Supplemental
Allocation

Background:

The Comprehensive Services Act (CSA), established in 1993, provides residential and non-residential treatment services to troubled and at-risk youths and their families through a collaborative system of state and local agencies, parents, and private service providers. These services include mandated foster care, certain special education services, and foster care prevention. CSA also provides services to certain targeted non-mandated populations.

Considerations:

CSA expenditures are projected at \$8,999,119. These expenditures exceed the CSA appropriation of \$8,400,000 by \$599,119 and require an additional local share in the amount of \$184,049. Expenditures are over budget due to increased Special Education referrals for private day and residential placements

Recommended Action:

- Increase the General Fund Revenue estimate by \$415,070 to CSA Revenue Account Number 001-110-1234-0692.
- Transfer funds in the amount of \$184,049 from Transfer to School Fund (001-250-9310-9530) for educationally mandated placements.

Honorable Mayor and Members of City Council
June 17, 2002
Page 2

- Appropriate funding in the amount of \$599,119 to the following accounts:

001-630-5410-3185 Special Education-Residential	\$191,718
001-630-5410-3187 Special Education-Private Day Facilities	371,454
001-630-5410-3188 Special Education-Public Day Facilities	<u>35,947</u>
	\$599,119

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rji

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Dr. E. Wayne Harris, Superintendent, Roanoke City Schools
Rolanda A. Johnson, Assistant City Manager for Community Development
Richard L. Kelley, Assistant Superintendent of Operations, Roanoke City
Schools
Glenn D. Radcliffe, Chair, Roanoke Interagency Council

#CM02-00131

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 General Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Health and Welfare	\$ 27,955,432
Comprehensive Services Act (1-3).....	8,999,119
Nondepartmental	\$ 72,313,407
Transfers to Other Funds (4).....	71,951,397

Revenues

Grants-In-Aid-Commonwealth	\$ 46,861,142
CSA-State Supplemental (5)	2,989,519
1) Special Education-Residential (001-630-5410-3185)	\$ 191,718
2) Special Education-Private Day Facilities (001-630-5410-3187)	371,454
3) Special Education-Public Day Facilities (001-630-5410-3188)	35,947
4) Transfer to School Fund (001-250-9310-9530)	(184,049)
5) CSA-State Supplemental (001-110-1234-0692)	415,070

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.



June 17, 2002

The Honorable Ralph K. Smith, Mayor
 The Honorable William Carder, Vice-Mayor
 The Honorable William Bestpitch, Council Member
 The Honorable Nelson Harris, Council Member
 The Honorable Alvin Hudson, Council Member
 The Honorable William White, Council Member
 The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: FY 2002-2003 Roanoke Valley
 Convention and Visitors Bureau
 Agreement

The City of Roanoke has annually entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site. As part of the FY02/03 Annual Operating budget adopted by City Council, the Memberships and Affiliations budget included funding of \$541,440 specifically designated for the RVCVB. An additional \$285,714 is designated for marketing efforts. The additional \$285,714 will be adjusted up or down in subsequent years based on an amount equal to the actual revenues collected from the one percent increase in the transient occupancy tax.

The City has negotiated a one year agreement commencing July 1, 2002 (attached) with the RVCVB detailing the use of these funds. In addition, the City of Roanoke will have one less appointment this year to the RVCVC Board of Directors, in accordance with the City Manager's recommendation and the consultant report suggestion that the Board be reduced in size. The RVCVB submitted a detailed report listing the accomplishments made through April 2002, and an annual budget and work plan for 2002/2003 will be submitted to the City Manager for review and approval, upon approval of the RVCVB Board of Directors.

Recommendation:

Authorize the City Manager to execute an Agreement in the amount of \$827,154 with the RVCVB, upon form approved by the City Attorney, substantially similar to the one attached hereto for the express purpose of marketing the Roanoke Valley as a regional

Mayor Smith and Members of Council
June 17, 2002
Page 2

destination for convention and destination tourism. Also, authorize the Director of Finance to make the adjustment mentioned above as set forth in the Agreement.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:ean

Attachments

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Beth Neu, Director of Economic Development

CM-02-00136

AGREEMENT

THIS AGREEMENT, dated July 1, 2002, is by and between the ROANOKE VALLEY CONVENTION AND VISITORS BUREAU, a corporation organized under the laws of the Commonwealth of Virginia (hereinafter "RVCVB") and the CITY OF ROANOKE, a municipal corporation of the Commonwealth of Virginia (hereinafter "City").

WHEREAS, the RVCVB is a "REGIONAL DESTINATION MARKETING ORGANIZATION" whose mission is to market the entire Roanoke Valley as an exciting destination for Convention and Leisure travel;

WHEREAS, the City is the largest contributor and with its concentration of hotels, conference center, convention facilities, shopping, dining and attractions, realizes enhancement of its tax revenues as a result of the RVCVB marketing efforts;

WHEREAS, the City desires to render aid and provide support to the RVCVB to assist in the promotion of the Roanoke Valley as a destination or meeting site for Visitors, including tourists, conventions and meeting groups, special event visitors and commercial travelers;

WHEREAS, the City desires to appropriate \$827,154 (subject to an adjustment as set forth herinafter in Paragraph 4) to the RVCVB for the express purpose of increasing tourism activities, which is a decrease of \$1,786 from last year's appropriation;

WHEREAS, the City desires to formalize its relationship with RVCVB in an effort to increase the revenue enhancement derived from tourism activity; and

WHEREAS, the City desires to assure that its appropriation of funds be used for these purposes.

THEREFORE, in consideration of the mutual promises hereinafter set forth, the parties do hereby agree as follows:

1. Term. The term of this Agreement shall be for a one year period, from July 1, 2002, through June 30, 2003.
2. Services. Funds made available to RVCVB by the City will be applied to provide additional services resulting directly or indirectly in income producing activities, including but not limited to:
 - (a) Direct sales programs.
 - (b) Sales promotions.
 - (c) Servicing conventions.
 - (d) Marketing/communications.

- (e) Identify product need (new and improved facility and attractions).
- (f) Coordination with other City and Civic agencies and businesses involved in the growth of the Roanoke Valley.
- (g) Visitors' Center. Staff and run a
- (h) the Roanoke Valley as a convention and tourist destination. Promote and sell

3. Work Program/Budget. No later than July 30, 2002, the RVCVB shall submit to the City Manager for approval a work program, marketing plan and budget setting forth in reasonable detail the activities planned for the year and the anticipated expenditures of City funds involved. The marketing plan shall be in sufficient detail as to determine the strategy RVCVB will be pursuing in promoting and selling the Roanoke Valley as a destination for group meetings, i.e. conferences and conventions as well as tourists. Such items shall detail how the funds will be expended on specific marketing initiatives. The City Manager shall approve or otherwise respond to the proposed work programs, marketing plan and budget no later than August 24, 2002 in order that any necessary modifications be settled upon on or before August 31, 2002. Monthly reports outlining progress on convention sales, tourism activities and groups booked, bus tour activity, bookings and other information as deemed to be necessary by the City shall be submitted by the RVCVB to the City's Director of Economic Development. The lack of any written response by the City's Director of Economic Development requesting redirection of efforts within ten (10) days of receipt of each monthly report will denote satisfaction with RVCVB efforts.

4. Funding.

A. The City agrees to provide funding to RVCVB in the amount of Eight Hundred Twenty-Seven Thousand One Hundred Fifty-four Dollars (\$827,154), subject to an adjustment as set forth in 4(B) below. The total amount shall be paid quarterly in equal payments of \$206,788.50 on or before the last day of July 2002, September 2002, December 2002, and March 2003.

B. Within thirty (30) days after the end of the fiscal year, June 30, 2003, the Director of Finance will make an adjustment to the amount of funding under this Contract to the RVCVB. Such adjustment will be either an increase or decrease to the amount set forth in 4(A) above. The increase or decrease in the funds provided to the RVCVB will be an amount equal to the difference between the amount of revenues actually received by the City from the increased portion of the transient occupancy tax for the fiscal year ending June 30, 2003, and the estimated revenues from such source of \$285,714 for that fiscal year. If there is an increase in such revenues,

the amount of such increase will be paid by the City to the RVCVB for use in the next year's contract for the services provided for in such contract or for use by the RVCVB for any shortfall in its operating budget under this Contract, but only up the amount of such shortfall. Otherwise, any such funds will not be paid to RVCVB. Furthermore, if there is a decrease in the amount of revenues mentioned above, the amount of such decrease will be subtracted from the next quarterly payment to be made to RVCVB under the next year's contract between the parties. Provided, however, if no contract for services similar to those called for by this Contract has been entered into between the parties, then RVCVB will pay the City the amount of such decrease within thirty (30) days after receiving written notice from the City to do so.

5. Subcontracting. It is understood that RVCVB may from time to time contract with firms and individuals for the acquisition of goods or services in the furtherance of the activities contemplated by this Agreement. RVCVB shall not enter into any contract relating to activities contemplated by this Agreement or involving the expenditure of funds provided to RVCVB by the City under this Agreement, where the amount of such contract is \$5,000 or more, without written authorization of the City Manager unless the nature of the goods or services to be acquired were disclosed in the work program or annual plan and budget submitted for the year.

6. Books and Records, Audits. RVCVB shall keep accurate books and records. Both monthly P&L and Income Statements as well as an audited financial statement shall be made available to the City upon request. Additionally, RVCVB shall make such books and records available to the Municipal Auditor of the City or other independent auditor selected by the City during its regular office hours.

7. Contacts with Prospective Clients. As specified in paragraph 3, the RVCVB shall inform the City's Director of Economic Development on a regular basis of work in progress at the RVCVB. A representative from the City shall have the right to be present at any formal bid presentations made to any potential group meeting or business meeting.

8. Board of Directors. City Council shall appoint one of its members and one other person as members of the Board of Directors of the RVCVB. Such appointees shall have full voting rights and privileges during the term of this Agreement and shall serve on the Board at the pleasure of City Council. In addition, the City Manager or the City's Director of Economic Development, as her designee, the Chairman of the Hotel Roanoke Conference Center Commission or his designee, and the Chairman of the Roanoke Civic Center Commission or his

designee, shall be members of the Board, with full voting rights and privileges during the term of this Agreement.

9. Indemnification. To the extent permitted by law, each party shall indemnify and hold harmless the other party, its officers, agents and employees, from any and all claims, legal actions and judgments advanced against it or its officers, agents or employees, and for expenses it may incur in this regard, arising out of the other's negligent acts or omissions, with respect to carrying out this Agreement.

10. Insurance. RVCVB shall obtain and maintain during the life of this Agreement a policy or policies of commercial general liability insurance with an insurance company or companies licensed to do business in Virginia, which policy or policies shall provide coverage with respect to claims arising out of the subject matter of this Agreement. The amount of such insurance shall not be less than \$1,000,000. RVCVB shall also obtain and maintain during the life of this Agreement Directors and Officers Liability insurance in the amount of \$1,000,000 per occurrence providing coverage, including defense costs, with respect to claims arising out of the subject matter of this Agreement. All such policies shall be occurrence policies and shall name the City of Roanoke, its officers, agents, employees and representatives as additional insureds under the commercial general liability policy and, if possible, under the Directors and Officers Liability policy. RVCVB shall provide the City with certificates of insurance for each of the above policies and each certificate shall contain substantially the following statement: "The insurance coverage provided by this certificate shall not be canceled or materially altered except after thirty (30) days written notice has been provided to the City of Roanoke."

11. Assignment. Neither the City nor RVCVB may assign its rights or obligations hereunder without the prior written consent of the other.

12. Notices. Any notices required by the terms of this Agreement shall be deemed to have been given when delivered in person to or deposited in the U.S. mail, via first class postage, addressed: (a)

If to the City:

City Manager
City of Roanoke
Noel C. Taylor Municipal Building, Room 364
215 Church Avenue, S. W.
Roanoke, Virginia 24011

And

Director of Economic Development
111 Franklin Plaza, Suite 200

Roanoke, VA 24011

(b) If to the RVCVB:

Executive Director
Roanoke Valley Convention and Visitors Bureau
Marketplace Center
114 Market Street
Roanoke, Virginia 24011

or at such other address as each party may designate for itself by giving at least five (5) days prior written notice to the other party.

13. Nondiscrimination.

A. During the performance of this Agreement, the RVCVB agrees as follows:

1. RVCVB will not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of RVCVB. RVCVB agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

2. RVCVB, in all solicitations or advertisements for employees placed by or on behalf of RVCVB will state that RVCVB is an equal employment opportunity employer.

3. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

B. RVCVB will include the provisions of the foregoing subparagraphs (A)(1), (2) and (3), in every subcontract or purchase order of over ten thousand dollars (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

14. Drug Free Workplace.

(A) During the performance of this Contract, the RVCVB agrees to (i) provide a drug free workplace for the RVCVB's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the RVCVB's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of RVCVB that RVCVB maintains a drug free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or

purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

(B) For the purpose of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Contract.

15. Faith Based Organizations. Pursuant to Virginia Code Section 2.2 - 4343.1, be advised that the City of Roanoke does not discriminate against faith-based organizations.

16. Termination. The City may terminate this Agreement at any time if RVCVB applies funds paid to RVCVB by the City for any purpose other than the purposes contemplated by this Agreement, provided that reasonable notice and opportunity to cure shall first be afforded, or if RVCVB fails to perform any of the other obligations under this Agreement or as otherwise allowed by law. Upon termination of this Agreement, the number of City representatives on the Board of Directors of RVCVB shall be reduced to two (2). In such event, the City Manager shall designate the City's representatives to remain on the Board or in the event the City Manager does not so designate within 14 days of termination of the contract, the President of RVCVB shall make the designation.

17. Duplicate Originals. This Agreement may be executed in duplicate, each of which shall be deemed to be an original and all of which will be deemed to represent one and the same Agreement.

18. Nonwaiver. RVCVB agrees that the City's waiver or failure to enforce or require performance of any term or condition of this Agreement or the City's waiver of any particular breach of this Agreement by RVCVB extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of the Agreement by RVCVB and does not bar the City from requiring RVCVB to comply with all the terms and conditions of the Agreement and does not bar the City from asserting any and all rights and/or remedies it has or might have against RVCVB under this Agreement or by law.

19. Cooperation. Each party agrees to cooperate with the other in executing any documents necessary to carry out the intent and purpose of this Agreement.

20. Entire Agreement. This Agreement constitutes the entire agreement between the parties and

supersedes all prior agreements between the parties. No amendment to this Agreement will be valid unless made in writing and signed by the appropriate parties.

IN WITNESS WHEREOF, the City and the RVCVB have caused this Agreement to be executed and sealed by their respective authorized representatives.

ATTEST:

CITY OF ROANOKE

Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ATTEST:

ROANOKE VALLEY CONVENTION
AND VISITORS BUREAU

Printed Name and Title
Approved as to form:

By: _____

Printed Name and Title
Appropriation & Funds required for this

City Attorney

Contract certified:

Director of Finance

Approved as to execution

City Attorney

Account No.
Date: _____

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized to execute and to attest, respectively, an agreement with the Roanoke Valley Convention and Visitors Bureau for a term of one year, from July 1, 2002, through June 30, 2003, unless sooner terminated in accordance with the provisions of the agreement, for the purpose of increasing tourism and marketing the Roanoke Valley as a regional destination for convention, conference, leisure and business travel, all as more fully set forth in the City Manager's letter to this Council dated June 17, 2002.
2. The contract amount authorized by this resolution shall not exceed \$827,154 without further Council authorization, except for the adjustment which the Director of Finance is authorized to make in accordance with the agreement.
3. Such agreement shall be in such form as is approved by the City Attorney, and shall be substantially similar to the one attached to the above mentioned letter.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: SWM Bulk & Brush Ordinance

Background:

The May 9, 2002 budget-briefing session with City Council included a question from Councilman Hudson regarding responsibility of landlords for setouts of bulk items when tenants are evicted. Typically, evictions that are scheduled through the Sheriff's Department are coordinated with Solid Waste Management for collection of bulk item materials placed at the curb for collection.

On a larger scale, there continues to be a problem of bulk item and brush setouts by homeowners and landlords that exceed the limits prescribed by our City code or which are not in conformance with the regularly scheduled collection day. This is an issue with which Solid Waste Management's Code Enforcement Officer must contend on a routine basis. Most residents are cooperative when advised of the need to remove items from the curb that are excessive in quantity or are placed too early for collection. However, some citizens are not cooperative when directed to comply. While those in violation can be charged with a criminal violation, this process can require more time than is desired to effect the removal of excessive bulk items and brush from public view. It is also important to note that citizens currently have the option to take twelve (12) loads of bulk and brush to the Transfer Station each year free of charge. Similarly, landlords have the option to take four (4) loads per rental property to the Transfer Station each year free of charge.

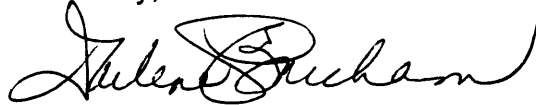
Staff has evaluated ordinances of our benchmark localities from the Virginia First Cities Coalition to identify their methods of enforcement for similar situations. Based upon this research, a revised ordinance has been prepared which would require notification of the owner or occupant responsible for setting out the bulk items or brush to remove the bulk item or brush materials within 24 hours. Failure to do so would cause removal of the

materials by Solid Waste Management, and for which a fee would be assessed to the owner or occupant which would cover costs of collection and disposal of any solid waste which is set out in violation of the Solid Waste Ordinance. On a related matter, a code amendment is also needed to prohibit the placement of tires inside of automated collection containers (Big Blues) to reduce costs for disposal of tires.

Recommended Action:

Adopt the ordinance changes attached to this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darlene L. Burcham', written in a cursive style.

Darlene L. Burcham
City Manager

DLB/RKB/gpe

Attachment

C. Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works
Frank S. "Skip" Decker, Manager of Solid Waste Management

CM02-00142

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §14.1-3, Littering, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, by adding new subsections (f) and (g), and amending and reordaining §14.1-21, Certain solid waste not to be collected – Generally, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 14.1-3, Littering, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by adding new subsections (f) and (g), to read and provide as follows:

§14.1-3. Littering.

* * *

(f) The above subsections notwithstanding, the City Manager may order, in writing, the owner or occupant of any property to remove solid waste found lying or located on the City right-of-way placed there by such person in violation of any provision of this chapter. The order shall be personally served on such owner or occupant by the City Manager, who shall note the time, place and manner of such service on a duplicate copy of the notice to be retained by the City Manager. In lieu of such personal service, such notice may be sent by certified mail, return receipt requested, addressed to such owner or occupant at his or her last-known address as set forth in the City's real estate valuation

records. The notice shall state the time within which the action or work ordered to be done must be completed, and such time shall not be less than twenty-four (24) hours before such responsible owner or occupant shall have received notice of the work ordered to be done. Any owner or occupant receiving such notice shall immediately proceed to remove such solid waste.

(g) Upon the failure, neglect or refusal of the owner or occupant upon whom notice has been served pursuant to subsection 14.1-3(f) of the City Code to comply with such order, the City Manager may have the removal performed by City personnel. The cost for such removal shall be charged to the owner or occupant responsible for placing the solid waste within the right-of-way and shall be a charge which includes an administrative processing fee of \$25.00 in addition to the actual cost and fees incurred in the removal and disposal of such solid waste. If such bill is not paid within thirty (30) days, legal action may be instituted for its collection. Prosecution for failure, neglect or refusal of such person to remove such solid waste shall not be barred by the City proceeding to have the work done in accordance with this section.

* * *

2. Section 14.1-21, Certain solid waste not to be collected – Generally, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§14.1-21. Certain solid waste not to be collected – Generally.

(a) Manure, topsoil, earth, stone, rock, brick, concrete, asphalt, heavy metal, sheet rock, plate or large broken glass, poisons, caustics, acids, hazardous waste, trees, stumps, explosives, or other dangerous materials, or rubbish from construction, remodeling, razing and repair operations on houses, commercial buildings and other structures shall not be placed out for collection by an authorized person and shall not be removed by an authorized person, and in no circumstances shall hazardous waste be put out for collection by any person.

(b) The above subsection notwithstanding, not more than two (2) automobile tires will be collected from any residence or commercial establishment per week. Such tires shall be taken off the rim, shall not be placed inside an automated collection container, and shall be placed at the curb in the same manner as collections pursuant to section 14.1-23 of the City Code.

3. Pursuant to §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Additional Floating Holiday

Background:

City Council would like to recognize employees for efforts and accomplishments during fiscal year 2002 related to Council's goals. To do so, a one time floating holiday is recommended that will be earned for Friday, July 5, 2002.

Considerations:

Offices will be open on Friday, July 5, 2002, and all non-temporary employees on the payroll as of this date will earn eight hours of holiday leave (12 hours for Fire-EMS 24-hour scheduled employees). The holiday may be taken on Friday, July 5, 2002, with appropriate supervisory approval or at a later date. Personnel Operating Procedures that limit the carry over of holiday time to 24 hours per year remain in effect concerning this additional holiday.

Recommended Action:

Approve the additional floating holiday in the manner described above.

Respectfully submitted,


 Darlene L. Burcham
 City Manager

DLB:bka

c: Mary F. Parker, City Clerk
 William M. Hackworth, City Attorney
 Jesse A. Hall, Director of Finance

#CM02-00139

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining subsection (c) of §2-37, Office hours, work weeks and holidays, Code of the City of Roanoke (1979), as amended; the amended subsection providing for a floating holiday, Friday, July 5, 2002, for the year 2002 only; and providing for an emergency and an effective date.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Subsection (c) of § 2-37, Office hours, work weeks and holidays, Code of the City of Roanoke (1950), as amended, is hereby amended and reordained to read and provide as follows:

§2-37. Office hours, work weeks and holidays.

* * *

- (c) Except as provided in subsection (d) of this section and herein, each officer or employee of the city shall receive eighty-eight (88) hours of holiday time each year (the nine legal holidays of the city established by subsection (b) above, the second Monday in October (Columbus Day) and November 11 (Veterans Day) and, for the year 2002 only, the first Friday in July); offices of the city shall remain open during the three latter holidays which shall be observed as floating holidays by City employees. Except for employees of departments that work twenty-four (24) shifts, holiday time shall be taken on the nine (9) legal holidays of the city established by subsection (b) of this section and at such other times as shall be mutually agreed to by the officer or employee and his department head or equivalent official. Employees of departments that work twenty-four (24) hour shifts shall take their holiday time at times mutually agreed to by them and their department head or equivalent official. On and after July 1, 1996, twenty-four (24) hours of holiday time may be carried over from one fiscal year to the next and accumulated and used at times mutually agreed to between any officer or employee carrying over holiday time and his department head or equivalent official. No officer or employee shall be paid for holiday time accumulated after November 1, 1995.

* * *

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect on and after June 17, 2002.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Personal Services Lapse Report

Background:

The fiscal year 2001-2002 General Fund Budget includes funds in the nondepartmental expenditure category for several personnel related accounts. These accounts are budgeted at estimated amounts in the nondepartmental cost center because annual charges of each department are difficult to accurately predict. Actual costs are charged to departments in anticipation of year-end budget transfers to cover the costs.

Considerations:

Salary lapse is one of the items included in the nondepartmental category. It is the difference in budgeted City employee salaries and actual salaries. It is created through normal employee attrition and the managed hiring and re-engineering efforts undertaken during the year by City staff. At year-end, salary lapse created in departments is credited against the budgeted total salary lapse figure, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs. The largest operational allocation is recommending an additional \$223,000 of salary lapse to fund the remaining portion of the Solid Waste Management funding shortfall brought to Council's attention on April 1, 2002.

Workers' Compensation is also initially budgeted in the nondepartmental category. Funding has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers' compensation wages and medical expenses. Like other personnel related budgets, the workers' compensation budgets are established non-departmentally due to the difficulty of predicting which departments will incur these expenses and to what extent. The attached budget ordinance allocates the amount in the nondepartmental cost center to departments that have incurred actual costs.

The fiscal year 2001-2002 General Fund Budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as anticipated increases in health and dental insurance. These budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers' compensation.

The attached budget ordinance accomplishes the above referenced transfers by adjusting each department's regular salaries line rather than adjusting all the individual line items. An adjustment is also needed to decrease the revenue estimate for the change in salary estimates for employee salaries reimbursed by the State Compensation Board. After all required allocations are made to personal services and revenues, a balance of \$422,510 is available for appropriation to the Transfers to Capital Projects Fund for miscellaneous construction projects. A summary of the transfers in the attached budget ordinance is as follows:

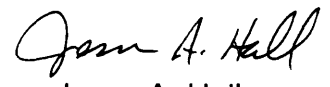
Account	2002 Budget	Adjustment Needed	Revised Budget
Payroll Accrual	\$150,000	(\$150,000)	\$0
Medical Insurance	3,930,616	12,949	3,943,565
Dental Insurance	293,802	(2,635)	291,167
Workers' Compensation-Wages	400,000	(109,708)	290,292
Workers' Compensation-Medical	400,000	485,629	885,629
Unemployment Wages	35,000	(17,568)	17,432
Extended Illness Wages	20,000	13,625	33,625
Termination Leave Wages	91,275	120,808	212,083
FICA	4,840,142	(345,697)	4,494,445
City Retirement	3,299,177	(352,253)	2,946,924
Life Insurance	471,270	(128,662)	342,608
Salary Lapse	(1,422,758)	1,422,758	0
Salaries and Wages	61,930,609	(1,895,867)	60,034,742
Miscellaneous Other Personnel	3,179,684	10,878	3,190,562
Additional Operations	2,613,832	303,428	2,917,260
Transfers to Capital	6,016,826	422,510	6,439,336
Totals Expenditure Adjustments	\$86,249,475	(\$209,805)	\$86,039,670
Total Revenue Adjustments	\$15,039,129	(\$209,805)	\$14,829,324

Recommended Actions:

City Council authorize the transfer of funding between accounts and the use of excess budgeted personal services as detailed in Attachment A.

Respectfully submitted,


Darlene L. Burcham
City Manager


Jesse A. Hall
Director of Finance

DLB/JAH:afs

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney

CM02-00138

PERSONAL SERVICES REPORT

<u>DEPARTMENT NAME</u>	<u>SALARIES & FRINGE CURRENT BUDGET</u>	<u>FY 2002 ESTIMATED EXPENSE</u>	<u>PAYROLL ACCRUAL</u>	<u>LAPSE COMMITMENTS FOR PERSONNEL</u>	<u>LAPSE COMMITMENTS OR OPERATIONS</u>	<u>REQUIRED BUDGET ADJUSTMENT</u>
CITY TREASURER	\$597,323	\$585,661	\$770	\$1,000	\$0	(\$9,892)
CLERK OF CIRCUIT COURT	999,583	965,862	1,317	2,000	0	(30,404)
JUV & DOM REL COURT SERVICES	19,779	20,062	171	0	43,500	43,954
JUV & DOM REL COURT CLERK	2,446	2,481	21	0	0	56
GENERAL DISTRICT COURT	5,291	5,366	46	0	0	121
CIRCUIT COURT JUDGES	388,087	374,368	496	0	0	(13,223)
COMMISSIONER REVENUE	672,522	639,054	910	0	0	(32,558)
SHERIFF	1,800,182	1,775,418	2,350	0	0	(22,414)
JAIL	7,855,059	7,803,572	10,285	5,000	0	(36,202)
COMMONWEALTH'S ATTORNEY	1,063,139	953,328	1,182	0	0	(108,629)
COST COLLECTIONS UNIT	49,536	39,178	52	0	0	(10,306)
CITY COUNCIL	135,045	134,944	182	0	0	81
CITY ATTORNEY	598,753	594,809	789	0	0	(3,155)
CITY CLERK	363,620	354,460	471	0	10,250	1,561
REAL ESTATE VALUATION	794,722	762,688	1,008	0	0	(31,026)
BOARD OF EQUALIZATION	21,469	0	0	0	0	(21,469)
MUNICIPAL AUDITING	399,607	362,673	481	0	0	(36,453)
DIRECTOR OF FINANCE	1,163,182	1,147,639	1,205	0	0	(14,338)
BILLINGS & COLLECTIONS	788,675	795,996	1,035	2,000	0	10,356
REGISTRAR	225,668	205,320	197	0	0	(20,151)

OFFICE OF COMMUNICATIONS	127,420	125,815	181	2,000	0	576
CITY MANAGER	624,392	617,095	779	5,000	0	(1,518)
ECONOMIC DEVELOPMENT	443,217	446,032	605	0	0	3,420
HUMAN RESOURCES	701,391	653,634	849	0	10,400	(36,508)
OCCUPATIONAL HEALTH CLINIC	181,713	180,533	215	0	0	(965)
OMB	672,934	661,574	907	0	0	(10,453)
COMMUNICATIONS - E911	1,579,163	1,550,024	2,017	5,000	0	(22,122)
COMMUNICATIONS WIRELESS - E911	101,846	84,133	138	0	0	(17,575)
COMMUNICATIONS - RADIO SHOP	315,869	323,971	411	0	0	8,513
PURCHASING DEPARTMENT	147,246	142,903	194	0	0	(4,149)
DIRECTOR OF GENERAL SERVICES	96,618	57,742	0	0	0	(38,876)
MANAGEMENT SERVICES	35,590	30,011	40	0	0	(5,539)
CUSTODIAL SERVICES	760,857	699,537	937	0	0	(60,383)
FACILITIES MANAGEMENT	1,434,244	1,238,163	1,557	4,000	0	(190,524)
FIRE - ADMINISTRATION	574,434	585,314	938	48,000	0	59,818
FIRE - SERVICES	488,876	544,363	734	0	0	56,221
FIRE - OPERATIONS	10,511,264	11,032,035	14,799	45,000	0	580,570
FIRE - AIRPORT RESCUE	724,214	726,065	966	0	0	2,817
EMERGENCY MEDICAL SERVICES	1,698,926	1,408,224	1,888	0	0	(288,814)
DIRECTOR OF PUBLIC WORKS	195,237	194,612	288	0	0	(337)
STREETS & TRAFFIC	2,495,498	2,380,537	3,368	17,011	0	(94,582)
SNOW REMOVAL	75,355	52,407	0	0	0	(22,948)
TRAFFIC ENGINEERING	1,009,375	874,250	1,118	0	0	(134,007)
SOLID WASTE MGMNT/REFUSE	2,396,619	2,603,694	3,200	100,000	223,000	533,275
ENGINEERING	1,143,810	1,095,364	1,494	11,500	0	(35,452)
BUILDING SERVICES	576,824	577,967	780	0	0	1,923

PLANNING AND CODE ENFORCEMENT	878,510	730,552	912	0	16,278	(130,768)
NEIGHBORHOOD PARTNERSHIP	131,314	116,225	158	32,000	0	17,069
CITIZENS SERVICES CENTER	78,709	78,626	98	0	0	15
HOUSING AND NEIGHBORHOOD SVCS	583,353	527,147	869	6,000	0	(49,337)
PARKS AND GROUNDS MAINTENANCE	2,257,796	2,030,453	2,284	23,534	0	(201,525)
RECREATION	1,582,342	1,612,425	1,929	86,750	0	118,762
HUMAN SERVICES SUPPORT	70,463	86,281	122	0	0	15,940
SOCIAL SVCS - ADMIN	778,190	774,510	1,016	0	0	(2,664)
SOCIAL SVCS - INCOME MNT	3,081,999	3,085,911	4,034	10,000	0	17,946
SOCIAL SVCS - SERVICES	3,086,511	3,072,788	4,089	0	0	(9,634)
SOCIAL SVCS - EMPLOYMENT SVCS	760,445	682,769	878	0	0	(76,798)
FOSTER PARENT TRAINING	92,809	91,437	122	0	0	(1,250)
VISSTA	132,010	133,255	184	0	0	1,429
OUTREACH DETENTION	188,703	186,792	199	5,558	0	3,846
YOUTH HAVEN I	482,297	467,582	609	5,285	0	(8,821)
CRISIS INTERVENTION	411,624	396,555	480	8,008	0	(6,581)
POLICE - ADMINISTRATION	322,611	355,263	499	0	0	33,151
POLICE - INVESTIGATION	2,190,937	2,296,668	3,068	0	0	108,799
POLICE - PATROL	8,956,345	8,575,060	11,214	20,000	0	(350,071)
POLICE - SERVICES	2,050,175	2,016,864	2,740	0	0	(30,571)
POLICE - TRAINING	366,320	363,762	446	20,000	0	17,888
ANIMAL CONTROL	292,874	230,459	295	0	0	(62,120)
LAW LIBRARY	29,000	17,498	39	0	0	(11,463)
LIBRARY	1,680,291	1,639,740	2,225	0	0	(38,326)
ENVIRONMENTAL AND EMERGENCY MGM	149,388	118,474	120	0	0	(30,794)
SUBTOTALS - GENERAL FUND	\$77,691,636	\$76,095,974	\$100,000	\$464,646	\$303,428	(\$727,588)

PERSONNEL LAPSE	(\$1,422,758)					\$1,422,758
PAYROLL ACCRUAL	150,000					(150,000)
MEDICAL INSURANCE	224,374					(224,374)
DENTAL INSURANCE	6,836					(6,836)
W/C WAGES	400,000					(400,000)
W/C MEDICAL	400,000					(400,000)
UNEMPLOYMENT WAGES	35,000					(35,000)
EXTENDED ILLNESS LV PAYMENT	20,000					(20,000)
TERMINATION LEAVE WAGES	91,275					(91,275)
TRANSFER TO CAPITAL PROJECT	n/a					422,510
SUBTOTALS - OTHER ADJUSTMENTS	(\$95,273)	\$0	\$0	\$0	\$0	\$517,783
CITY TREASURER	n/a					\$1,331
COMMISSIONER REVENUE	n/a					(9,566)
SHERIFF	n/a					(11,745)
JAIL	n/a					(92,515)
COMMONWEALTH'S ATTORNEY	n/a					(59,070)
SOCIAL SERVICES-ADMINISTRATION	n/a					(653)
SOCIAL SERVICES-INCOME	n/a					(447)
SOCIAL SERVICES-SERVICES	n/a					(4,558)
SOCIAL SERVICES-EMPLOYMENT	n/a					(32,582)
SUBTOTALS - REVENUE ADJUSTMENTS	\$0	\$0	\$0	\$0	\$0	(\$209,805)
TOTALS - GENERAL FUND	\$77,596,363	\$76,095,974	\$100,000	\$464,646	\$303,428	(\$0)

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001 – 2002 General Fund Appropriations and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001 – 2002 General Fund Appropriations, be, and the same are hereby, amended and reordained to read as follow, in part:

Appropriations

General Fund (1-87) \$200,250,022

Revenues

General Fund (88-93) \$191,262,816

1) Regular Salaries	(001- 110- 1234 - 1002)	\$ (9,892)
2) Regular Salaries	(001- 120- 2111 - 1002)	(30,404)
3) Regular Salaries	(001- 121- 2130 - 1002)	454
4) Regular Salaries	(001- 122- 2131 - 1002)	56
5) Regular Salaries	(001- 124- 2120 - 1002)	121
6) Regular Salaries	(001- 125- 2110 - 1002)	(13,223)
7) Regular Salaries	(001- 130- 1233 - 1002)	(32,558)
8) Regular Salaries	(001- 140- 2140 - 1002)	(22,414)
9) Regular Salaries	(001- 140- 3310 - 1002)	(36,202)
10) Regular Salaries	(001- 150- 2210 - 1002)	(108,629)
11) Regular Salaries	(001- 150- 2211 - 1002)	(10,306)
12) Regular Salaries	(001- 200- 1110 - 1002)	81
13) Regular Salaries	(001- 210- 1220 - 1002)	(3,155)
14) Regular Salaries	(001- 220- 1120 - 1002)	(8,689)
15) Regular Salaries	(001- 230- 1235 - 1002)	(31,026)
16) Regular Salaries	(001- 230- 1236 - 1002)	(21,469)
17) Regular Salaries	(001- 240- 1240 - 1002)	(36,453)

18) Regular Salaries	(001- 250- 1231 - 1002) \$	(14,338)
19) Regular Salaries	(001- 250- 1232 - 1002)	10,356
20) Regular Salaries	(001- 260- 1310 - 1002)	(20,151)
21) Regular Salaries	(001- 300- 1210 - 1002)	576
22) Regular Salaries	(001- 300- 1211 - 1002)	(1,518)
23) Regular Salaries	(001- 310- 8120 - 1002)	3,420
24) Regular Salaries	(001- 340- 1261 - 1002)	(46,908)
25) Regular Salaries	(001- 340- 1263 - 1002)	(965)
26) Regular Salaries	(001- 410- 1212 - 1002)	(10,453)
27) Regular Salaries	(001- 430- 4130 - 1002)	(22,122)
28) Regular Salaries	(001- 430- 4131 - 1002)	(17,575)
29) Regular Salaries	(001- 430- 4170 - 1002)	8,513
30) Regular Salaries	(001- 440- 1237 - 1002)	(4,149)
31) Regular Salaries	(001- 440- 1260 - 1002)	(38,876)
32) Regular Salaries	(001- 440- 1617 - 1002)	(5,539)
33) Regular Salaries	(001- 440- 4220 - 1002)	(60,383)
34) Regular Salaries	(001- 440- 4330 - 1002)	(190,524)
35) Regular Salaries	(001- 520- 3211 - 1002)	59,818
36) Regular Salaries	(001- 520- 3212 - 1002)	56,221
37) Regular Salaries	(001- 520- 3213 - 1002)	580,570
38) Regular Salaries	(001- 520- 3214 - 1002)	2,817
39) Regular Salaries	(001- 520- 3521 - 1002)	(288,814)
40) Regular Salaries	(001- 530- 1280 - 1002)	(337)
41) Regular Salaries	(001- 530- 4110 - 1002)	(94,582)
42) Regular Salaries	(001- 530- 4140 - 1002)	(22,948)
43) Regular Salaries	(001- 530- 4160 - 1002)	(134,007)
44) Regular Salaries	(001- 530- 4210 - 1002)	310,275
45) Regular Salaries	(001- 530- 4310 - 1002)	(35,452)
46) Regular Salaries	(001- 560- 3410 - 1002)	1,923
47) Regular Salaries	(001- 610- 8110 - 1002)	(147,046)
48) Regular Salaries	(001- 615- 8111 - 1002)	17,069
49) Regular Salaries	(001- 615- 8112 - 1002)	15
50) Regular Salaries	(001- 615- 8113 - 1002)	(49,337)
51) Regular Salaries	(001- 620- 4340 - 1002)	(201,525)
52) Regular Salaries	(001- 620- 7110 - 1002)	118,762
53) Regular Salaries	(001- 630- 1270 - 1002)	15,940
54) Regular Salaries	(001- 630- 5311 - 1002)	(2,664)
55) Regular Salaries	(001- 630- 5313 - 1002)	17,946
56) Regular Salaries	(001- 630- 5314 - 1002)	(9,634)
57) Regular Salaries	(001- 630- 5316 - 1002)	(76,798)
58) Regular Salaries	(001- 630- 5317 - 1002)	(1,250)
59) Regular Salaries	(001- 630- 5318 - 1002)	1,429

60) Regular Salaries	(001- 631- 3330 - 1002)	\$ 3,846
61) Regular Salaries	(001- 631- 3350 - 1002)	(8,821)
62) Regular Salaries	(001- 631- 3360 - 1002)	(6,581)
63) Regular Salaries	(001- 640- 3111 - 1002)	33,151
64) Regular Salaries	(001- 640- 3112 - 1002)	108,799
65) Regular Salaries	(001- 640- 3113 - 1002)	(350,071)
66) Regular Salaries	(001- 640- 3114 - 1002)	(30,571)
67) Regular Salaries	(001- 640- 3115 - 1002)	17,888
68) Regular Salaries	(001- 640- 3530 - 1002)	(62,120)
69) Regular Salaries	(001- 650- 2150 - 1002)	(11,463)
70) Regular Salaries	(001- 650- 7310 - 1002)	(38,326)
71) Regular Salaries	(001- 660- 1214 - 1002)	(30,794)
72) Fees for Professional Services	(001- 121- 2130 - 2010)	43,500
73) Fees for Professional Services	(001- 220- 1120 - 2010)	10,250
74) Payroll Accrual	(001- 250- 9110 - 1099)	(150,000)
75) Medical Insurance	(001- 250- 9110 - 1125)	(224,374)
76) Dental Insurance	(001- 250- 9110 - 1126)	(6,836)
77) Workers' Comp-Wages	(001- 250- 9110 - 1135)	(400,000)
78) Workers' Comp-Medical	(001- 250- 9110 - 1140)	(400,000)
79) Unemployment Wages	(001- 250- 9110 - 1145)	(35,000)
80) Extended Illness Wages	(001- 250- 9110 - 1149)	(20,000)
81) Termination Leave Wages	(001- 250- 9110 - 1150)	(91,275)
82) Transfer to Capital Projects	(001- 250- 9310 - 9508)	422,510
83) Personnel Lapse	(001- 300- 9410 - 1090)	1,422,758
84) Training and Development	(001- 340- 1261 - 2044)	5,400
85) Program Activities	(001- 340- 1261 - 2066)	5,000
86) Fees for Professional Services	(001- 530- 4210 - 2010)	223,000
87) Fees for Professional Services	(001- 610- 8110 - 2010)	16,278
88) Commonwealth Attorney	(001- 110- 1234 - 0610)	(59,070)
89) Sheriff	(001- 110- 1234 - 0611)	(104,260)
90) Commissioner of the Revenue	(001- 110- 1234 - 0612)	(9,566)
91) City Treasurer	(001- 110- 1234 - 0613)	1,331
92) Social Services – Administration	(001- 110- 1234 - 0676)	(5,658)
93) Social Services – Employment	(001- 110- 1234 - 0681)	(32,582)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk

CITY OF ROANOKE
DEPARTMENT OF FINANCE
215 Church Avenue, S.W. Room 461
P.O. Box 1220
Roanoke, VA 24006-1220
Telephone: (540) 853-2824
Fax: (540) 853-2940

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Subject: Internal Service Funds Budget Adjustments

Dear Mayor Smith and Members of City Council:

Background

The City of Roanoke's Internal Service Funds account for certain services provided to departments of the other funds of the City. The Internal Service Funds recover their costs by charging the receiving departments for services provided.

Budgeted funds for internal services are allocated in the General Fund in each fiscal year's budget throughout various departments based on estimated usage. Usage usually varies from the original estimates.

Each fiscal year, at this time, it is necessary to make transfers between General Fund departments to provide sufficient funds for internal services for the fiscal year. This ordinance makes such transfers.

Additionally, budget amounts in the Internal Service Funds are established based on expected transactions for the year. Based on some higher than anticipated expenses in the area of Risk Management, certain additional expenses have been incurred, and budget adjustments will be needed for such items.

Considerations

The City accounts for self-insured liabilities in its Risk Management Internal Service Fund. This fund has incurred costs in excess of budget during FY2002, and has billed user funds and departments at amounts exceeding original revenue estimates to recover those costs.

To properly balance the budget to actual accounting for the year, several budgetary adjustments are recommended. The adjustments to the Risk Management Fund expenditure accounts are listed below. Corresponding revenue adjustments will also be made.

Expenditure Accounts

- An increase of \$72,000 is needed in Miscellaneous Claims due to the high level of claims paid for water and sewer line breaks.
- An increase in Settlements and Judgments of \$101,000 is needed due to the settlement of a large claim.
- Workers' compensation medical expenses need an increase of \$228,000 due to a higher than typical level of medical claims paid. This is due to several fairly severe medical conditions that have resulted in costly medical expenses.
- An increase \$35,000 is needed to cover the rising costs of insurance policies. The cost of policies has increased as a result of the events of September 11, 2001.

The City accounts for its materials warehouse activity in the Materials Control fund. Increases of an equal amount in the Materials Control Fund's revenue and expense estimates are needed for fiscal year 2002 due to a change in accounting method, which grosses rather than nets sales transactions. This change in accounting method was made to more clearly track the revenues and expenses resulting from warehouse transactions.

A summary of the total General Fund transfers in the attached budget ordinance is as follows:

	Budget Amount Before Transfers	Net Transfers In/Out	Revised Budget Amount
Materials Control	\$ 50,200	\$ 17,207	\$ 67,407
Risk Management Claims	194,976	0	194,976
Risk Management Overhead	544,592	148,704	693,296
Fleet Management	1,899,441	(415,897)	1,483,544
Fleet Rental	<u>1,260,040</u>	<u>415,897</u>	<u>1,675,937</u>
Total	<u>\$3,949,249</u>	<u>\$165,911</u>	<u>\$4,115,160</u>

Honorable Mayor and Members
Of City Council
June 17, 2002

Page 3

The additional amount of \$165,911 required to fully fund the internal service fund charges will be transferred to various department's internal service accounts from the City Manager's contingency account.

Recommended Action

The attached budget ordinance will accomplish the required transfers. We recommend it for your approval.

Respectfully Submitted,



Darlene L. Burcham
City Manager



Jesse A. Hall
Director of Finance

DLB:JAH:afs

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001 – 2002 General, Risk Management and Materials Control Funds Appropriations and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001 – 2002 General, Risk Management and Materials Control Funds Appropriations, be, and the same are hereby, amended and reordained to read as follow, in part:

General Fund

Appropriations

General Fund (1-186)	\$200,459,827
----------------------------	---------------

Risk Management

Appropriations

Operating	\$11,499,159
Administration (187-188)	843,330
Non-Administration (189-190).....	10,655,829

Revenues

Operating	\$10,824,159
Billings to Other Funds (191-193).....	10,209,159

Materials Control Fund

Appropriations

Operating (194-196) \$1,207,052

Revenues

Operating \$1,207,052
Billings to Other Funds (197-199)..... 1,207,052

1)	Materials Control	(001- 110 - 1234 - 7010)	\$	55
2)	Risk Management - Overhead	(001- 110 - 1234 - 7017)		57
3)	Materials Control	(001- 120 - 2111 - 7010)		288
4)	Risk Management - Overhead	(001- 120 - 2111 - 7017)		89
5)	Materials Control	(001- 121 - 2130 - 7010)		50
6)	Materials Control	(001- 124 - 2120 - 7010)		(82)
7)	Risk Management - Overhead	(001- 125 - 2110 - 7017)		184
8)	Materials Control	(001- 130 - 1233 - 7010)		56
9)	Risk Management - Overhead	(001- 130 - 1233 - 7017)		61
10)	Materials Control	(001- 140 - 2140 - 7010)		609
11)	Materials Control	(001- 140 - 3310 - 7010)		(951)
12)	Risk Management - Overhead	(001- 140 - 2140 - 7017)		(7,817)
13)	Fleet Management	(001- 140 - 2140 - 7025)		(19,084)
14)	Risk Management - Overhead	(001- 140 - 3310 - 7017)		11,551
15)	Fleet Management	(001- 140 - 3310 - 7025)		1,536
16)	Materials Control	(001- 150 - 2211 - 7010)		47
17)	Risk Management - Overhead	(001- 150 - 2210 - 7017)		61
18)	Risk Management - Overhead	(001- 200 - 1110 - 7017)		27
19)	Materials Control	(001- 210 - 1220 - 7010)		55
20)	Risk Management - Overhead	(001- 210 - 1220 - 7017)		31
21)	Materials Control	(001- 220 - 1120 - 7010)		56
22)	Risk Management - Overhead	(001- 220 - 1120 - 7017)		23
23)	Materials Control	(001- 230 - 1235 - 7010)		36
24)	Risk Management - Overhead	(001- 230 - 1235 - 7017)		53
25)	Risk Management - Overhead	(001- 240 - 1240 - 7017)		27
26)	Materials Control	(001- 250 - 1231 - 7010)		(328)
27)	Materials Control	(001- 250 - 1232 - 7010)		40
28)	Risk Management - Overhead	(001- 250 - 1231 - 7017)		102
29)	Risk Management - Overhead	(001- 250 - 1232 - 7017)		80
30)	Fleet Management	(001- 250 - 1232 - 7025)		(3,667)
31)	Fleet Management-Rental	(001- 250 - 1232 - 7027)		(682)

32)	Risk Management - Overhead	(001- 300 - 1210 - 7017)	\$ 13,244
33)	Materials Control	(001- 300 - 1211 - 7010)	108
34)	Risk Management - Overhead	(001- 300 - 1211 - 7017)	31
35)	Fleet Management	(001- 300 - 1211 - 7025)	(265)
36)	Fleet Management-Rental	(001- 300 - 1211 - 7027)	(620)
37)	Materials Control	(001- 310 - 8120 - 7010)	59
38)	Risk Management - Claims	(001- 310 - 8120 - 7018)	186
39)	Risk Management - Overhead	(001- 310 - 8120 - 7017)	23
40)	Fleet Management	(001- 310 - 8120 - 7025)	(790)
41)	Fleet Management-Rental	(001- 310 - 8120 - 7027)	(1,765)
42)	Materials Control	(001- 340 - 1261 - 7010)	(201)
43)	Risk Management - Claims	(001- 340 - 1261 - 7018)	(279)
44)	Materials Control	(001- 340 - 1263 - 7010)	37
45)	Risk Management - Overhead	(001- 340 - 1261 - 7017)	400
46)	Risk Management - Overhead	(001- 340 - 1263 - 7017)	11,008
47)	Materials Control	(001- 410 - 1212 - 7010)	43
48)	Materials Control	(001- 430 - 4130 - 7010)	(132)
49)	Risk Management - Overhead	(001- 430 - 4130 - 7017)	(12,438)
50)	Materials Control	(001- 430 - 4170 - 7010)	55
51)	Fleet Management	(001- 430 - 4170 - 7025)	(3,201)
52)	Fleet Management-Rental	(001- 430 - 4170 - 7027)	206
53)	Materials Control	(001- 440 - 1237 - 7010)	27
54)	Materials Control	(001- 440 - 1617 - 7010)	(112)
55)	Risk Management - Claims	(001- 440 - 1617 - 7018)	(298)
56)	Materials Control	(001- 440 - 4220 - 7010)	755
57)	Materials Control	(001- 440 - 4330 - 7010)	85
58)	Risk Management - Overhead	(001- 440 - 1617 - 7017)	(46)
59)	Fleet Management	(001- 440 - 1617 - 7025)	(1,189)
60)	Fleet Management-Rental	(001- 440 - 1617 - 7027)	618
61)	Risk Management - Overhead	(001- 440 - 4220 - 7017)	130
62)	Fleet Management	(001- 440 - 4220 - 7025)	(1,091)
63)	Fleet Management-Rental	(001- 440 - 4220 - 7027)	2,333
64)	Risk Management - Overhead	(001- 440 - 4330 - 7017)	311
65)	Fleet Management	(001- 440 - 4330 - 7025)	(14,407)
66)	Fleet Management-Rental	(001- 440 - 4330 - 7027)	9,975
67)	Materials Control	(001- 520 - 3211 - 7010)	183
68)	Materials Control	(001- 520 - 3212 - 7010)	161
69)	Materials Control	(001- 520 - 3213 - 7010)	1,700
70)	Materials Control	(001- 520 - 3521 - 7010)	314
71)	Risk Management - Overhead	(001- 520 - 3211 - 7017)	1,247

72)	Fleet Management	(001- 520 - 3211 - 7025)	\$ (551)
73)	Fleet Management-Rental	(001- 520 - 3211 - 7027)	1,874
74)	Risk Management - Overhead	(001- 520 - 3212 - 7017)	46
75)	Fleet Management	(001- 520 - 3212 - 7025)	(8,950)
76)	Fleet Management-Rental	(001- 520 - 3212 - 7027)	6,391
77)	Risk Management - Overhead	(001- 520 - 3213 - 7017)	885
78)	Fleet Management	(001- 520 - 3213 - 7025)	806
79)	Fleet Management-Rental	(001- 520 - 3213 - 7027)	114,875
80)	Risk Management - Overhead	(001- 520 - 3521 - 7017)	118
81)	Fleet Management	(001- 520 - 3521 - 7025)	(280)
82)	Fleet Management-Rental	(001- 520 - 3521 - 7027)	1,729
83)	Materials Control	(001- 530 - 1280 - 7010)	56
84)	Materials Control	(001- 530 - 4110 - 7010)	3,661
85)	Risk Management - Claims	(001- 530 - 4110 - 7018)	(943)
86)	Materials Control	(001- 530 - 4140 - 7010)	150
87)	Materials Control	(001- 530 - 4160 - 7010)	1,481
88)	Materials Control	(001- 530 - 4210 - 7010)	4,906
89)	Risk Management - Claims	(001- 530 - 4210 - 7018)	(5,229)
90)	Materials Control	(001- 530 - 4310 - 7010)	(56)
91)	Fleet Management	(001- 530 - 1280 - 7025)	(92)
92)	Fleet Management-Rental	(001- 530 - 1280 - 7027)	985
93)	Risk Management - Overhead	(001- 530 - 4110 - 7017)	116,249
94)	Fleet Management	(001- 530 - 4110 - 7025)	26,992
95)	Fleet Management-Rental	(001- 530 - 4110 - 7027)	95,889
96)	Fleet Management	(001- 530 - 4140 - 7025)	(500)
97)	Risk Management - Overhead	(001- 530 - 4160 - 7017)	1,398
98)	Fleet Management	(001- 530 - 4160 - 7025)	(18,384)
99)	Fleet Management-Rental	(001- 530 - 4160 - 7027)	14,826
100)	Risk Management - Overhead	(001- 530 - 4210 - 7017)	365
101)	Fleet Management	(001- 530 - 4210 - 7025)	(85,067)
102)	Fleet Management-Rental	(001- 530 - 4210 - 7027)	79,624
103)	Risk Management - Overhead	(001- 530 - 4310 - 7017)	92
104)	Fleet Management	(001- 530 - 4310 - 7025)	35
105)	Fleet Management-Rental	(001- 530 - 4310 - 7027)	(3,465)
106)	Materials Control	(001- 610 - 3410 - 7010)	(130)
107)	Materials Control	(001- 610 - 8110 - 7010)	(46)
108)	Risk Management - Claims	(001- 610 - 8110 - 7018)	(158)
109)	Risk Management - Overhead	(001- 610 - 3410 - 7017)	69
110)	Fleet Management	(001- 610 - 3410 - 7025)	(4,986)
111)	Fleet Management-Rental	(001- 610 - 3410 - 7027)	(1,140)

112)	Risk Management - Overhead	(001- 610- 8110 - 7017)	\$ 69
113)	Fleet Management	(001- 610- 8110 - 7025)	548
114)	Fleet Management-Rental	(001- 610- 8110 - 7027)	(11,065)
115)	Materials Control	(001- 615- 8111 - 7010)	30
116)	Materials Control	(001- 615- 8112 - 7010)	23
117)	Materials Control	(001- 615- 8113 - 7010)	259
118)	Risk Management - Claims	(001- 615- 8113 - 7018)	(1,100)
119)	Fleet Management	(001- 615- 8113 - 7025)	257
120)	Fleet Management-Rental	(001- 615- 8113 - 7027)	6,127
121)	Materials Control	(001- 620- 4340 - 7010)	(460)
122)	Risk Management - Claims	(001- 620- 4340 - 7018)	946
123)	Materials Control	(001- 620- 7110 - 7010)	(307)
124)	Risk Management - Overhead	(001- 620- 4340 - 7017)	4,745
125)	Fleet Management	(001- 620- 4340 - 7025)	(154,594)
126)	Fleet Management-Rental	(001- 620- 4340 - 7027)	(35,150)
127)	Risk Management - Overhead	(001- 620- 7110 - 7017)	252
128)	Fleet Management	(001- 620- 7110 - 7025)	(6,967)
129)	Fleet Management-Rental	(001- 620- 7110 - 7027)	3,119
130)	Risk Management - Claims	(001- 630- 5110 - 7018)	(1,599)
131)	Materials Control	(001- 630- 5311 - 7010)	(231)
132)	Materials Control	(001- 630- 5314 - 7010)	33
133)	Materials Control	(001- 630- 5316 - 7010)	(111)
134)	Materials Control	(001- 630- 5318 - 7010)	23
135)	Materials Control	(001- 630- 8170 - 7010)	21
136)	Risk Management - Overhead	(001- 630- 5110 - 7017)	(418)
137)	Risk Management - Overhead	(001- 630- 5311 - 7017)	638
138)	Risk Management - Overhead	(001- 630- 5313 - 7017)	329
139)	Risk Management - Overhead	(001- 630- 5314 - 7017)	3,779
140)	Fleet Management	(001- 630- 5314 - 7025)	(4,269)
141)	Fleet Management-Rental	(001- 630- 5314 - 7027)	8,914
142)	Risk Management - Overhead	(001- 630- 5316 - 7017)	76
143)	Fleet Management	(001- 630- 5318 - 7025)	363
144)	Risk Management - Claims	(001- 631- 3350 - 7018)	90
145)	Materials Control	(001- 631- 3360 - 7010)	56
146)	Risk Management - Overhead	(001- 631- 3350 - 7017)	34
147)	Fleet Management	(001- 631- 3350 - 7025)	1,526
148)	Fleet Management-Rental	(001- 631- 3350 - 7027)	(59)
149)	Risk Management - Overhead	(001- 631- 3360 - 7017)	(1,417)
150)	Fleet Management	(001- 631- 3360 - 7025)	(2,388)
151)	Fleet Management-Rental	(001- 631- 3360 - 7027)	2,411

152)	Materials Control	(001- 640- 3111 - 7010)	\$ 114
153)	Materials Control	(001- 640- 3112 - 7010)	342
154)	Materials Control	(001- 640- 3113 - 7010)	4,497
155)	Risk Management - Claims	(001- 640- 3113 - 7018)	8,842
156)	Materials Control	(001- 640- 3114 - 7010)	(674)
157)	Materials Control	(001- 640- 3115 - 7010)	169
158)	Materials Control	(001- 640- 3530 - 7010)	136
159)	Risk Management - Claims	(001- 640- 3530 - 7018)	(77)
160)	Risk Management - Overhead	(001- 640- 3111 - 7017)	61
161)	Fleet Management	(001- 640- 3111 - 7025)	(2,194)
162)	Fleet Management-Rental	(001- 640- 3111 - 7027)	1,541
163)	Risk Management - Overhead	(001- 640- 3112 - 7017)	187
164)	Fleet Management	(001- 640- 3112 - 7025)	(13,710)
165)	Fleet Management-Rental	(001- 640- 3112 - 7027)	5,278
166)	Risk Management - Overhead	(001- 640- 3113 - 7017)	1,575
167)	Fleet Management	(001- 640- 3113 - 7025)	(84,690)
168)	Fleet Management-Rental	(001- 640- 3113 - 7027)	113,463
169)	Risk Management - Overhead	(001- 640- 3114 - 7017)	169
170)	Fleet Management	(001- 640- 3114 - 7025)	466
171)	Fleet Management-Rental	(001- 640- 3114 - 7027)	(762)
172)	Risk Management - Overhead	(001- 640- 3115 - 7017)	23
173)	Fleet Management	(001- 640- 3115 - 7025)	570
174)	Fleet Management-Rental	(001- 640- 3115 - 7027)	(1,057)
175)	Risk Management - Overhead	(001- 640- 3530 - 7017)	31
176)	Fleet Management	(001- 640- 3530 - 7025)	(15,976)
177)	Fleet Management-Rental	(001- 640- 3530 - 7027)	2,969
178)	Materials Control	(001- 650- 7310 - 7010)	210
179)	Risk Management - Overhead	(001- 650- 7310 - 7017)	910
180)	Fleet Management	(001- 650- 7310 - 7025)	(1,228)
181)	Fleet Management-Rental	(001- 650- 7310 - 7027)	750
182)	Materials Control	(001- 660- 1214 - 7010)	42
183)	Risk Management - Claims	(001- 660- 1214 - 7018)	(381)
184)	Fleet Management	(001- 660- 1214 - 7025)	(477)
185)	Fleet Management-Rental	(001- 660- 1214 - 7027)	(2,235)
186)	Contingency	(001- 300- 9410 - 2199)	(165,910)
187)	Insurance	(019- 340- 1262 - 3020)	35,000
188)	Settlements and Judgments	(019- 340- 1262 - 2179)	101,000
189)	Workers' Comp Medical	(019- 340- 1265 - 2181)	228,000
190)	Miscellaneous Claims	(019- 340- 1265 - 2173)	72,000
191)	Billings to the General Fund	(019- 110- 1234 - 0952)	148,704

192)	Billings to the Water Fund	(019- 110 - 1234 - 0953)	\$ 59,296
193)	Workers' Comp Medical	(019- 110 - 1234 - 1171)	228,000
194)	Inventory Purchases Offset	(014- 440 - 1613 - 3014)	1,229,000
195)	Motor Fuel/Lube Purchases	(014- 440 - 1613 - 3013)	375,000
196)	Cost of Goods Sold	(014- 440 - 1613 - 3017)	(490,000)
197)	Billing for Inventory Items	(014- 110 - 1234 - 1278)	327,172
198)	Billing for Motor Fuel & Lubricants	(014- 110 - 1234 - 1279)	763,499
199)	Billings to the General Fund	(014- 110 - 1234 - 0952)	23,329

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk

CITY OF ROANOKE
DEPARTMENT OF FINANCE
215 Church Avenue, S.W. Room 461
P.O. Box 1220
Roanoke, VA 24006-1220
Telephone: (540) 853-2824
Fax: (540) 853-2940

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

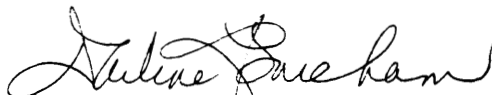
Dear Mayor Smith and Members of City Council:

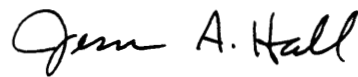
Capital Projects of all types have been approved by Council for construction over the past years. These projects have included construction in major categories for buildings, parks, streets, bridges, sanitary sewers, water projects, storm drains, flood reduction, and various technology related projects. Funding was established for each project when Council approved the project based on the bids for the various project costs, as well as extra funding for possible contingencies. Some projects have contingency funds remaining after the final expenditures are made because projects are completed within the established budgets.

A number of projects have been completed and can be closed. Remaining funds may be transferred from the completed projects to capital projects still under construction or to capital improvement reserve accounts for other future construction. Attachment A illustrates funds remaining in completed projects that may be closed. The attachment also indicates the account to which remaining funding is recommended to be transferred.

We recommend that Council adopt the budget ordinance, which will transfer funds from completed capital projects into recommended accounts.

Respectfully Submitted,


Darlene L. Burcham
City Manager


Jesse A. Hall
Director of Finance

DLB/JAH/vst

Honorable Mayor and Members of Council
June 17, 2002

Page 2

Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Barry L. Key, Director of Management and Budget
Philip C. Schirmer, City Engineer

Attachment A

<u>Description</u>	<u>Source</u>	<u>Budget</u>	<u>Capitalized OR Expensed</u>	<u>Amount to Close</u>	<u>Transfer To Account Name</u>
Delray Standby Emergency Generator	Gen Revenue	\$145,000	\$144,938	\$62	Retained Earnings
Land Use Activity Inventory	State Funds	20,000	13,134	6,866	Retained Earnings
Gunite Crystal Sprg Falling Cr.	Gen Revenue	217,900	217,301	599	Retained Earnings
Carvins Cove Phase II - Land	Gen Revenue	23,000	20,101	2,899	Retained Earnings
Parkway Standpipe Tank Painting	Gen Revenue	154,000	152,152	1,848	Retained Earnings
Total - Water Fund		\$559,900	\$547,626	\$12,274	
Variable FRP DR Electric Motor	Gen Revenue	\$23,000	\$21,168	\$1,832	Retained Earnings
Chesterton St. Sewer Replace	Gen Revenue	84,533	84,533	0	
Rke. River Interceptor Sewer	Other Gov'ts	1,217,816	1,217,816	0	
	Gen Revenue	39,636	39,134	502	Retained Earnings
	1994 Bonds	666,428	666,428	0	
Rke. River Inter Sewer Construction	Other Gov'ts	12,641,967	12,641,967	0	
	Gen Revenue	4,385,296	4,385,295	1	
	1994 Bonds	3,024,043	3,024,043	0	
Rke. River Inter-CNT C, D, & E	Other Gov'ts	8,572,016	8,572,016	0	
	Gen Revenue	4,816,223	4,254,817	561,406	Retained Earnings
	1994 Bonds	485,959	485,959	0	
WPC Plant Blower Motor	Gen Revenue	850,000	831,920	18,080	Retained Earnings
Total - Sewage Treatment Fund		\$36,806,917	\$36,225,096	\$581,821	
Civic Ctr. HVAC Replace Plan	Gen Revenue	\$87,500	\$83,267	\$4,233	Retained Earnings
CC Auditorium/Coliseum Repair	Gen Revenue	115,000	87,138	27,862	Civic Center Expansion/Renovation
Civic Center Fall Protection	Gen Revenue	140,000	140,000	0	
Total - Civic Center Fund		\$342,500	\$310,405	\$32,095	
Salem Avenue Parking Lot	Gen Revenue	\$205,000	\$205,000	\$0	
Total - Transportation Fund		\$205,000	\$205,000	\$0	
Surveying Roanoke River Flood Red	2002 Bonds	\$413,433	\$411,133	\$2,300	Rke River Flood Reduction
Rke River Fld Red - Land Acq	2002 Bonds	1,040,507	959,207	81,300	Rke River Flood Reduction
Local Cash Share Rke River Flood Red	2002 Bonds	628,595	504,004	124,591	Rke River Flood Reduction
Regional Mitigation Project	Federal Funds	638,692	638,692	0	
	State Funds	142,125	142,125	0	
	1996 Bonds	150,000	150,000	0	
Rke River Utility Relocation	2002 Bonds	240,000	111,203	128,797	Rke River Flood Reduction
Johnson & Johnson Residual Grants	Gen Revenue	7,174,611	7,174,611	0	
Precision Technology, USA Inc.	Gen Revenue	88,515	88,515	0	
Foot Levelers, Inc. Infrastructure	Gen Revenue	34,790	34,790	0	
RCIT Infrastructure Design Eng	Gen Revenue	214,211	210,749	3,462	RCIT Infrastructure Extension
Warehouse Row Buildings Project	Gen Revenue	650,000	643,500	6,500	Railside Linear Walk Phase 5
Tinker Creek Greenway	State - Greenway	150,000	149,942	58	Smith Park Roparian Planting
	US Gov - Greenway	100,000	100,000	0	
Downtown Plan Update	Gen Revenue	165,000	165,000	0	
Police Firearms Training Range	Gen Revenue	158,000	158,000	0	
Jail Elevator Renovation	Gen Revenue	139,340	131,668	7,672	Capital Improve Reserve - Buildings

Attachment A

<u>Description</u>	<u>Source</u>	<u>Budget</u>	<u>Capitalized OR Expensed</u>	<u>Amount to Close</u>	<u>Transfer To Account Name</u>
Greater Gains Parking Garage Design	Fed Grant	131,500	131,500	0	
Commonwealth Bldg - Replace Windows	Gen Revenue	108,703	108,649	54	Capital Improve Reserve - Buildings
Civic Center Reroofing	1999 Bonds	158,504	149,335	9,169	Capital Improve Reserve - Buildings
	1996 Bonds	298,521	298,521	0	
	1997 Bonds	207,975	207,975	0	
Greater Gains Park Garage Construct	Gen Revenue	3,315,966	3,315,965	1	
Williamson Road Garage Renovate	Gen Revenue	188,250	187,945	305	Capital Improve Reserve - Buildings
	Transportation Funds	293,000	293,000	0	
Municipal South Renovations	Gen Revenue	260,588	260,177	411	Capital Improve Reserve - Buildings
PWSC New Roof Level 4	Gen Revenue	88,000	84,176	3,824	Public Work Service Ctr - Upgrade Phase 1
Study Municipal North Use		0	0	0	
Repair Tennis/Basketball Crts.	Gen Revenue	99,900	99,900	0	
Eureka Rec Ctr. Roof Repair	Gen Revenue	98,000	97,787	213	Capital Improve Reserve - Parks
Main Library Roof & Asb Abate	Gen Revenue	176,163	169,607	6,556	Main Library Improvements
Railside Linear Walk - Phase I	Gen Revenue	1,422	0	1,422	Railside Linear Walk Phase 5
	1996 Bonds	379,291	376,746	2,545	Railside Linear Walk Phase 5
Franklin Square Park	1999 Bonds	8,947	8,947	0	
	Gen Revenue	20,000	3,049	16,951	Railside Linear Walk Phase 1
Railside Linear Walk - Phase II	1996 Bonds	1,572,507	1,572,507	0	
Roanoke River Greenway	Gen Revenue	70,000	63,204	6,796	Lick Run Greenway
Railside Linear Park - Phase 4	Gen Revenue	84,300	84,300	0	
	1996 Bonds	272,366	272,366	0	
Remodel Recreation Centers	Gen Revenue	48,220	48,220	0	
Remodel Pk Shelters for ADA	1999 Bonds	113,000	103,879	9,121	Market Building Improvement
Comfort Station Renovations	1999 Bonds	62,307	54,031	8,276	Comfort Station Replacement
Buena Vista Rec Ctr.	Gen Revenue	20,000	20,000	0	
	State Revenue	20,000	20,000	0	
Mill Mt. Access Road	Gen Revenue	71,500	65,796	5,704	Lick Run Greenway
Williamson-Church Streetscape	1999 Bond	469,417	467,245	2,172	First St Pedestrian Bridge
	1997 Bond	63,724	63,724	0	
Curb, Gutter, Sidewalk, Cap Tra.	General Revenue	100,000	96,071	3,929	Curb, Gutter, Sidewalk - Ph 6
Hunter Viaduct Removal	Third Party	950,000	950,000	0	
	1996 Bond	3,141,996	3,141,996	0	
Broadway Street Bridge	1999 Bond	209,213	209,213	0	
Williamson Road Improvements	1999 Bond	404,768	396,548	8,220	Railside Linear Walk - Phase 5
	1997 Bond	58,925	58,925	0	
Police Building Streetscape	1999 Bond	30,300	30,300	0	
Peters Creek Rd Street Lighting	General Revenue	40,000	32,763	7,237	Traffic Signals General
Misc Drainage Projects	1992 Bond	146,531	146,531	0	
	1996 Bond	(146,531)	(146,531)	0	
Vegetative Waste Compost		40,000	40,000	0	
Misc Storm Drain Projects	Gen Revenue	296,614	287,892	8,722	Miscellaneous Storm Drain Part 2
	1992 Bonds	27,947	27,947	0	
Traffic Signals - Install new	General Revenue	60,000	59,859	141	Traffic Signals General
	1996 Bond	257,000	257,000	0	
Traffic Signals - Replacement	1996 Bond	300,000	284,579	15,421	Traffic Signals General
U.S. Route 220 Traffic Signals	General Revenue	40,000	40,000	0	
Anti-Icing Distribution System	Capital Lease	0	0	0	
Hollins/Liberty Rd Signal	1999 Bonds	110,000	89,747	20,253	Traffic Signals General
Total - Capital Projects Fund		\$26,896,653	\$26,404,531	\$492,122	

Attachment A

<u>Description</u>	<u>Source</u>	<u>Budget</u>	<u>Capitalized OR Expensed</u>	<u>Amount to Close</u>	<u>Transfer To Account Name</u>
HRCCC Repair Facility		\$7,000,000	\$5,379,978	\$1,620,022	Retained Earnings
Total Hotel Rke. Conf Ctr. Fund		\$7,000,000	\$5,379,978	\$1,620,022	
DOC Dist, Prt & Retrieval System	Gen Revenue	\$65,000	\$0	\$65,000	Wide Area Network Expansion
Network Management	Gen Revenue	18,000	17,566	434	Replace Ntwk Conn - Libraries
911 Records/Timestamps	Gen Revenue	66,000	65,577	423	Replace Ntwk Conn - Libraries
Technology Media Center	Gen Revenue	20,000	19,029	971	Replace Ntwk Conn - Libraries
Enterprise Bar Code Technology	Gen Revenue	35,000	25,133	9,867	Replace Ntwk Conn - Libraries
Total DOT Fund		\$204,000	\$127,305	\$76,695	
Grand Total		\$72,014,970	\$69,199,941	\$2,815,029	

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Civic Center, Capital Projects and Department of Technology Funds Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Civic Center, Capital Projects and Department of Technology Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Civic Center Fund

Appropriations

Capital Outlay	\$ 4,477,500
Civic Center Auditorium/Coliseum Repair (1)	87,138
Civic Center Expansion/Renovation (2)	3,312,862

Capital Projects Fund

Appropriations

Flood Reduction	\$14,332,065
Surveying Roanoke River Flood Reduction (3)	411,133
Roanoke River Flood Reduction - Land Acquisition (4)	959,207
Local Cash Share Roanoke River (5)	504,004
Roanoke River Utility Relocation (6)	111,203
Roanoke River Flood Reduction Projects (7)	6,659,856

Economic Development	\$24,901,540
RCIT Infrastructure Design Eng (8)	210,749
RCIT Infrastructure Extension (9)	3,199,087
Warehouse Row Buildings Project (10)	643,500
Community Development	\$6,016,143
Tinker Creek Greenway (11)	149,942
Smith Park Planting Roparian (12)	92,560
Public Safety	\$8,244,454
Jail Elevator Renovation (13)	131,668
General Government	\$12,836,584
Commonwealth Building - Replace Windows (14)	108,649
Civic Center Reroofing (15)	149,335
Williamson Road Garage Renovations (16)	187,954
Municipal South Renovations (17)	260,177
PWSC New Roof Level 4 (18)	84,176
PWSC Upgrade Phase I (19)	403,824
Parks, Recreation and Cultural	\$26,893,248
Eureka Rec Center Roof Repair (20)	97,787
Main Library Rook and Asbestos Abatement (21)	169,607
Main Library Improvements (22)	37,556
Railside Linear Walk - Phase I (23-24)	376,746
Franklin Square Park (25)	11,996
Roanoke River Greenway (26)	63,204
Mill Mt. Access Road (27).....	65,796
Lick Run Greenway (28).....	137,610
Remodel Park Shelters for ADA (29)	103,879
Market Building Improvements (30)	43,121
Comfort Station Renovations (31)	54,031
Comfort Station Replacement (32)	315,026
Railside Linear Walk - Phase 5 (33-35)	951,607
Street and Bridges	\$25,321,040
Williamson-Church Streetscape (36)	467,245
First Street Pedestrian Bridge (37)	137,257
Curb, Gutter, and Sidewalk Cap Tra (38)	96,071
Curb, Gutter, and Sidewalk Phase 6 (39)	1,013,892
Williamson Road Improvements (40)	396,548
Peters Creek Roanoke Street Lighting (41)	32,763

Storm Drains	\$2,652,131
Miscellaneous Storm Drain Projects (42)	287,892
Miscellaneous Storm Drain Pt 2 (43)	193,534
Traffic Engineering	\$5,277,617
Traffic Signals - Install new (44)	316,859
Traffic Signals Replacement (45)	284,579
Hollins/Liberty Road Signal (46)	89,747
Traffic Signals General (47-49)	807,605
Capital Improvement Reserve	\$23,203,963
Capital Improvement Reserve (50-51)	338,215

Department of Technology Fund

Appropriations

Capital Outlay	\$11,796,604
DOC Dist, Prt and Retrieval System (52)	0
Wide Area Network Expansion (53)	914,121
Networks Management (54)	17,566
911 Records/Timestamps (55)	65,577
Technology Media Center (56)	19,029
Enterprise Bar Code Technology (57)	25,133
Replace Ntwk Conn - Libraries (58)	50,695

- | | | |
|---|---------------------|-------------|
| 1) Appropriated from
General Revenue | (005-550-8607-9003) | \$ (27,862) |
| 2) Appropriated from
General Revenue | (005-550-8615-9003) | 27,862 |
| 3) Appropriated from
Bond Funds –
Series 2002 | (008-056-9618-9076) | (2,300) |
| 4) Appropriated from
Bond Funds –
Series 2002 | (008-056-9619-9076) | (81,300) |
| 5) Appropriated from
Bond Funds –
Series 2002 | (008-056-9652-9076) | (124,591) |
| 6) Appropriated from
Bond Funds –
Series 2002 | (008-530-9765-9076) | (128,797) |

7) Appropriated from Bond Funds – Series 2002	(008-056-9620-9076)	\$ 336,988
8) Appropriated from General Revenue	(008-052-9679-9003)	(3,462)
9) Appropriated from General Revenue	(008-052-9632-9003)	3,462
10) Appropriated from General Revenue	(008-620-9755-9003)	(6,500)
11) Appropriated from State Funds	(008-530-9682-9007)	(58)
12) Appropriated from State Funds	(008-530-9684-9007)	58
13) Appropriated from General Revenue	(008-530-9677-9003)	(7,672)
14) Appropriated from General Revenue	(008-052-9552-9003)	(54)
15) Appropriated from Bond Funds – Series 1999	(008-052-9565-9001)	(9,169)
16) Appropriated from General Revenue	(008-052-9576-9003)	(305)
17) Appropriated from General Revenue	(008-052-9589-9003)	(411)
18) Appropriated from General Revenue	(008-530-9768-9003)	(3,824)
19) Appropriated from General Revenue	(008-530-9776-9003)	3,824
20) Appropriated from General Revenue	(008-620-9760-9003)	(213)
21) Appropriated from General Revenue	(008-052-9624-9003)	(6,556)
22) Appropriated from General Revenue	(008-052-9640-9003)	6,556
23) Appropriated from General Revenue	(008-052-9702-9003)	(1,422)
24) Appropriated from Bond Funds – Series 1996	(008-052-9702-9088)	(2,545)
25) Appropriated from General Revenue	(008-052-9705-9003)	(16,951)
26) Appropriated from General Revenue	(008-052-9729-9003)	(6,796)

27)	Appropriated from General Revenue	(008-620-9753-9003)	\$ (5,704)
28)	Appropriated from General Revenue	(008-530-9754-9003)	12,500
29)	Appropriated from Bond Funds – Series 1999	(008-530-9764-9001)	(9,121)
30)	Appropriated from Bond Funds – Series 1999	(008-530-9767-9001)	9,121
31)	Appropriated from Bond Funds – Series 1999	(008-620-9743-9001)	(8,276)
32)	Appropriated from Bond Funds – Series 1999	(008-620-9742-9001)	8,276
33)	Appropriated from General Revenue	(008-530-9759-9003)	24,873
34)	Appropriated from Bond Funds – Series 1996	(008-530-9759-9088)	2,545
35)	Appropriated from Bond Funds – Series 1999	(008-530-9759-9001)	8,220
36)	Appropriated from Bond Funds – Series 1999	(008-052-9567-9001)	(2,172)
37)	Appropriated from Bond Funds – Series 1999	(008-052-9574-9001)	2,172
38)	Appropriated from General Revenue	(008-052-9588-9003)	(3,929)
39)	Appropriated from General Revenue	(008-530-9510-9003)	3,929
40)	Appropriated from Bond Funds – Series 1999	(008-052-9716-9001)	(8,220)
41)	Appropriated from General Revenue	(008-530-9771-9003)	(7,237)
42)	Appropriated from General Revenue	(008-052-9688-9003)	(8,722)
43)	Appropriated from General Revenue	(008-530-9734-9003)	8,722

44) Appropriated from General Revenue	(008-052-9561-9003)	\$ (141)
45) Appropriated from Bond Funds – Series 1996	(008-052-9562-9088)	(15,421)
46) Appropriated from Bond Funds – Series 1999	(008-530-9578-9001)	(20,253)
47) Appropriated from Bond Funds – Series 1996	(008-052-9560-9088)	15,421
48) Appropriated from General Revenue	(008-052-9560-9003)	7,378
49) Appropriated from Bond Funds – Series 1999	(008-052-9560-9001)	20,253
50) Capital Improvement Reserve - Buildings	(008-052-9575-9173)	17,611
51) Capital Improvement Reserve - Parks	(008-052-9575-9180)	213
52) Appropriated from General Revenue	(013-052-9826-9003)	(65,000)
53) Appropriated from General Revenue	(013-052-9811-9003)	65,000
54) Appropriated from General Revenue	(013-052-9843-9003)	(434)
55) Appropriated from General Revenue	(013-430-9846-9003)	(423)
56) Appropriated from General Revenue	(013-430-9848-9003)	(971)
57) Appropriated from General Revenue	(013-430-9864-9003)	(9,867)
58) Appropriated from General Revenue	(013-430-9861-9003)	11,695

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.



June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice-Mayor
Honorable William D. Bestpitch
Honorable C. Nelson Harris
Honorable W. Alvin Hudson
Honorable William White, Sr.
Honorable Linda F. Wyatt

Dear Mayor Smith and Members of Council:

Subject: Bulletproof Vest Partnership Grant

Background:

The Bulletproof Partnership Grant Act of 2001, enacted by the 107th United States Congress, provides funds to eligible law enforcement agencies for the purchase of bulletproof vests. The grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. On May 29, 2001, Roanoke was reimbursed in the amount of \$5,182.75 for vests purchased by the Police Department in Fiscal Year 20001-02. In conjunction with this program 27 bulletproof vests were purchased.

Considerations:


Bulletproof vests are essential equipment for Officer safety. All Roanoke Police Officers are issued these vests. Reimbursements of this type insure that additional vests can be procured in the future for new Officers and to replace worn out equipment.

Recommended Action(s):

Accept the Bulletproof Vest Partnership reimbursement of \$5,182.75 and authorize the City Manager and Police Chief to execute any agreements related to the grant.

Appropriate funding of \$5,182.75 in an account to be established by the Director of Finance in the Grant Fund for the Bulletproof Vest Partnership. Establish a revenue estimate of the same.

Respectfully submitted


Darlene L. Burcham
City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Johnson, Assistant City Manager for Community Development
A. L. Gaskins, Police

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	\$ 2,142,176
Bulletproof Vests FY 02 (1).....	5,183

Revenues

Public Safety-Special Purpose Grant	\$ 2,142,176
Bulletproof Vests FY 02 (2).....	5,183

1) Wearing Apparel	(035-640-3315-2064)	\$ 5,183
2) Bulletproof Vest		
Grant - FY 02	(035-640-3315-3315)	5,183

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the grant made to the City by the Department of Justice for the reimbursement of the cost of bulletproof vests, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the grant made to the City by the Department of Justice for the cost of bulletproof vests, in the amount of \$5,182.75, such grant being more particularly described in the City Manager's letter dated June 17, 2002, upon all the terms, provisions and conditions relating to the receipt of such funds.
2. The City Manager and the City Clerk, are hereby authorized to execute, seal and attest, respectively, the grant agreement and all necessary documents required to accept this grant, all such documents to be approved as to form by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required by the Department of Justice in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.



June 12, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Outdoor Dining. Providing an
incentive to restaurants for remainder of 2002.

This is to request space on Council's agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:sks

c: City Attorney
Director of Finance
City Clerk



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
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ELIZABETH K. DILLON
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
CAROLYN H. FURROW
ASSISTANT CITY ATTORNEYS

June 17, 2002

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Reenactment of City Code

Dear Mayor Smith and Council Members:

Since 1982, City Council has reenacted and recodified the City Code on an annual basis in order to properly incorporate in the Code amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code. This procedure ensures that the ordinances codified in our Code incorporate the most recent amendments to State law.

Incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety. In addition, the technique ensures that local ordinances are always consistent with the State law as is generally required.

The procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General. See Report of the Attorney General (1981-1982) at 272. I recommend that Council adopt the attached ordinance to readopt and reenact the Code of the City of Roanoke (1979). If the attached ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Sincerely yours,

William M. Hackworth
City Attorney

WMH:f
Attachment

The Honorable Mayor and Members
of City Council
June 17, 2002

Page 2

cc: Darlene L. Burcham, City Manager
George C. Snead, Jr., Assistant City Manager for Operations
Rolanda A. Johnson, Assistant City Manager for Community Development
The Honorable Donald S. Caldwell, Commonwealth's Attorney
A. L. "Joe" Gaskins, Chief of Police
Mary F. Parker, City Clerk

WMT
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and providing for an emergency.

WHEREAS, by Ordinance No. 25043, adopted April 7, 1980, this Council adopted and enacted a new code for the City of Roanoke entitled the Code of the City of Roanoke (1979) (hereinafter sometimes referred to as the "City Code");

WHEREAS, said Code, as amended, contains certain provisions which incorporate by reference portions of the Code of Virginia (1950), as amended, (hereinafter "State Code");

WHEREAS, from time to time, certain of these State Code sections which are incorporated by reference in the City Code have been amended by the General Assembly;

WHEREAS, such amendments are a matter of public record which are set forth in the Acts of Assembly and supplements and replacement volumes of the State Code; and

WHEREAS, it is the desire of this Council that those provisions of the City Code which adopt by reference State Code provisions shall be fully consistent with enactments of the most recent Session of the General Assembly;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The Code of the City of Roanoke (1979), as amended, a copy of which is on file in the City Clerk's Office, consisting of Chapters 1 through 36.1, each inclusive, is hereby readopted

and reenacted. Such Code amendments heretofore and hereafter adopted shall continue to be known as the Code of the City of Roanoke (1979), as amended.

2. With respect to sections or provisions of the State Code incorporated by reference in the City Code, Council recognizes any amendments made to such sections or provisions of the State Code by the most recent Session of the General Assembly and hereby expresses the intent and ordains that such amendments to sections or provisions of the State Code incorporated by reference in the City Code shall be included in the City Code verbatim as enacted by the most recent Session of the General Assembly.

3. Any reference in the City Code to any section, article or chapter from former Titles of the State Code shall be deemed and construed to apply to the successor section, article or chapter of the State Code, comparable sections being set out in Tables of Comparable Sections for certain Repealed and Revised Titles published in Volume 10

4. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY

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CAROLYN H. FURROW
ASSISTANT CITY ATTORNEYS

June 17, 2002

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Council salaries

Dear Mayor Smith and Members of Council:

At the request of Councilman Bestpitch, I have prepared the attached ordinance which would establish annual salaries for the Mayor, Vice-Mayor and Council members for the fiscal years beginning July 1, 2004. Mr. Bestpitch requested that the ordinance provide that the Mayor would receive an annual salary of \$19,189.00, and that the Vice-Mayor and members of Council would receive \$14,925.00.

As you may recall, Council adopted an ordinance on November 19, 2001, effective July 1, 2002, establishing the salary of the Mayor at \$18,000.00 a year and the salaries of the Vice-Mayor and members of Council \$14,490.00 a year. Section 15.2-1414.6, Code of Virginia, permits Council to establish the annual salaries of members of Council, but provides that any increase in such salaries must be adopted at least four months prior to the date of the next municipal election, and no increase can take effect until July 1st after such election. The next regularly scheduled general election of council members is in May of 2004, thus any ordinance adopted by Council at this time increasing the salaries of members of Council can not take effect until July 1, 2004.

Please let me know if you have any questions about the attached ordinance.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
City Attorney

WMH:f
Attachment

cc: Mary F. Parker, City Clerk
Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE establishing the annual salaries of the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2004; and dispensing with the second reading by title of this ordinance.

WHEREAS, §15.2-1414.6, Code of Virginia (1950), as amended, authorizes this Council, notwithstanding any contrary provision of law, general or special, to set annual salaries by ordinance for the Mayor, Vice-Mayor and each member of Council within certain limits, and this Council is desirous of exercising this authority.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. For the fiscal year beginning July 1, 2004, and ending June 30, 2005, and for succeeding fiscal years unless modified by action of this Council, the annual salaries of the Mayor, Vice-Mayor and each member of Council shall be as follows:

Mayor	-	\$ 19,189.00
Vice-Mayor and Council Members	-	\$ 14,925.00

2. This ordinance shall remain in effect until amended or repealed by ordinance duly adopted by City Council.

3. The Mayor and members of Council shall continue to receive such other benefits as have previously been authorized by Council.

4. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY

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DAVID L. COLLINS
CAROLYN H. FURROW
ASSISTANT CITY ATTORNEYS

June 17, 2002

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Code Amendment

Dear Mayor Smith and Members of Council:

In order to make all parking fines consistent we have been updating various section of the City Code. Attached for your consideration is an ordinance amending and reordaining City Code Sections relating to parking at the Roanoke Regional Airport so that the penalties for all parking violations throughout the City are consistent.

Please let me know if you have any questions about this matter.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in black ink that reads "William M. Hackworth".

William M. Hackworth
City Attorney

WMH/EKD/lsc
Attachment

c: Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Jacqueline L. Shuck, Executive Director, Airport Commission

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE adding a new § 4-5. Regulation of vehicular and pedestrian traffic – Powers and duties of city manager; amending and reordaining §4-6. Regulation of vehicular and pedestrian traffic – Violations – Generally; amending and reordaining § 4-7. Same--Parking violations, of Article I, In General, of Chapter 4, Airport, of the Code of the City of Roanoke (1979), as amended, by the addition of a new subsection (b) and (c); and providing for an emergency and for an effective date.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by the addition of a new section § 4-5. Regulation of vehicular and pedestrian traffic – Powers and duties of city manager, of Article I, In General, of Chapter 4, Airport, to read and provide as follows:

§ 4-5. Regulation of vehicular and pedestrian traffic – Powers and duties of city manager.

- (a) The city manager shall have general supervision of the management, regulation and control of vehicular traffic and pedestrian traffic and of the parking and routing of vehicles at the airport, in the interest of public safety, comfort and convenience.
- (b) The city manager is authorized and directed to erect and maintain, in places or positions where they may be readily and easily seen by a reasonably observant person, appropriate signs, markers, signals and such other devices as may be deemed necessary by the city manager to manage, direct, regulate and control vehicular and pedestrian traffic and parking at the airport. Such system of marking and signing shall correlate with and, so far as possible, conform to the system adopted by the state highway

commission.

- (c) By the installation of signs, markers, signals or other devices pursuant to this section, the city manager is authorized and directed to:
 - (1) Prohibit other than one-way vehicular traffic on the roads, streets and driveways at the airport when, in the interest of safety, comfort and convenience of the persons using, frequenting or visiting the airport, it is reasonably necessary so to do.
 - (2) Limit or prohibit the parking, stopping or standing of vehicles in designated areas at the airport.
 - (3) Designate taxicab stands, loading zones and rental car zones for the use of taxicabs, commercial vehicles having business at the airport and rental car agencies; designate parking areas for use of persons employed at the airport and for persons visiting the airport; and prohibit the parking of other vehicles in such areas.
 - (4) Designate speed limits above which no vehicle shall be driven on the various areas of the airport, provided that no such speed limit shall exceed a rate higher than twenty-five (25) miles per hour.
 - (5) Limit or prohibit the use of private or other vehicles on the runways, taxiway ramps or apron system of the airport.

2. Section 4-6. Regulation of vehicular traffic – Violations - Generally, of Article I, In General, of Chapter 4, Airport, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§ 4-6. Regulation of vehicular traffic – Violations – Generally.

It shall be unlawful for any person to operate a vehicle in a direction other than that indicated and prescribed by directional signs, markers or other devices then and there erected or installed pursuant to section 4-5(c)(1); operate a vehicle in excess of any speed limit that is indicated and prescribed by signs, markers or other devices then and there erected or installed pursuant to section 4-5(c)(4); or to operate a vehicle in any area in which the use of private or other vehicles has been prohibited by signs, markers or other devices then and there erected or installed pursuant to section 4-5(c)(5). Any person violating any of the provisions of this subsection shall be guilty of a Class 4 misdemeanor.

3. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by the amendment of subsection (a) and the addition of new subsections (b) and (c) of to 4-7. Same - Parking violations, of Article I, In General, of Chapter 4, Airport, to read and provide as follows:

§ 4-7. Same-Parking violations.

- (a) It shall be unlawful and constitute a parking violation for any person to park or stop a vehicle or allow the same to remain standing or stopped in any area where, at the time, parking, stopping or standing is prohibited and signs or markers to that effect have been erected or installed pursuant to section 4-5(c)(2) or 4-5(c)(3).
- (b) It shall be unlawful and constitute a parking violation for any person to park or leave standing any vehicle not displaying a license plate, decal or special permit issued under section 46.2-731, 46.2-739 or 46.2-12451, Code of Virginia (1950), as amended, in a parking space reserved for handicapped persons on airport property.
- (c) Any vehicle that is parked in violation of this section shall have a notice of such violation attached to the vehicle or delivered to the owner or operator stating that such vehicle is parked in violation of a provision of this section. Every person receiving such notice may waive his right to appear and be formally tried for the violation set forth in the notice upon the voluntary payment, as penalty and in full satisfaction of such violation, of the penalty set forth below. Such penalty shall be paid to the city treasurer during the regular working hours of the treasurer's office or through any other method established by city council for the routine payment of such penalties. For purposes of this subsection, penalties shall be deemed to have been "paid" when full payment therefor has been received by the city treasurer, regardless of whether such penalty is paid in person or is mailed. The city treasurer shall not be authorized to accept partial payment of penalties due. Penalties for parking violations shall be as follows:
 - (1) A penalty of twenty dollars (\$20.00) may be paid for a violation of section 4-7(a), if paid within ten (10) days of the issuance by an officer of a notice of a violation thereof; if paid thereafter, the penalty shall be thirty-five dollars (\$35.00). If not paid within ten (10) days, a notice pursuant to section 46.2-941, Code of Virginia (1950), as amended, shall be sent by the city's office of billings and

collections to the violator. Any violator to whom such notice is sent may pay such penalty of thirty-five dollars (\$35.00) within five (5) days of receipt of such notice.

- (2) A penalty of one hundred twenty-five dollars (\$125.00) may be paid for a violation of section 4-7(b) if paid within ten (10) days of the issuance by an officer of a notice of a violation thereof; if paid thereafter, the penalty shall be one hundred forty dollars (\$140.00). If not paid within ten (10) days, a notice pursuant to section 46.2-941, Code of Virginia (1950), as amended, shall be sent by the city's office of billings and collections to the violator. Any violator to whom such notice is sent may pay such penalty of one hundred forty dollars (\$140.00) within five (5) days of receipt of such notice.

4. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by the City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the new fines to be charged for the aforesaid violations.

5. In order to provide for the usual operation of the municipal government, an emergency is deemed to exist and this ordinance shall be in full force and effect as of July 1, 2002.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
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DAVID L. COLLINS
CAROLYN H. FURROW
ASSISTANT CITY ATTORNEYS

June 17, 2002

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Threshold for competitive procurement

Dear Mayor Smith and Council Members:

As requested by City Council, the General Assembly, at its 2002 Session, amended the City Charter to increase the threshold for formal competitive procurement from \$30,000 to \$50,000. See Chapter 685, 2002 Acts of Assembly. The Charter amendment becomes effective July 1, 2002, and will be applied to City procurements after that date. The attached ordinance, which I recommend to you, simply conforms our City Code to the new Charter provision by amending the threshold for competitive procurement from \$30,000 to \$50,000. The amendment also conforms the City Code to the Virginia Public Procurement Act.

I will be pleased to answer any questions City Council may have with respect to this matter.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
City Attorney

WMH/EKD/lsc
Attachment

c: Darlene L. Burcham, City Manager (w/atta.)
Robert H. Bird, Acting Manager of Supply Management (w/atta.)
Mary F. Parker, City Clerk (w/atta.)

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §23.1-4(a) and (b), Requirement of bidding; power to reject bids, and §23.1-6(g) Exceptions to requirement of competitive procurement, of the Code of the City of Roanoke (1979), as amended, to increase the threshold amounts for competitive procurement from \$30,000 to \$50,000 consistent with amendments to the City of Roanoke Charter; and providing for an emergency and for an effective date.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sections 23.1-4(a) and (b), Requirement of bidding; power to reject bids, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

§23.1-4. Requirement of bidding; power to reject bids.

- (a) Any contract with a nongovernmental contractor for the purchase or lease of goods or for the purchase of services or construction the consideration for which is expected to exceed fifty thousand dollars (\$50,000.00) shall be awarded to the lowest responsible bidder, or highest responsible bidder where applicable, such as where the city is leasing or selling public property or awarding concession rights, after public advertisement and competition. With respect to bids for any purchase, public work or improvement costing more than seventy-five thousand dollars (\$75,000.00) the city council shall have the power to reject any and all bids. With respect to bids for any purchase, public work or improvement costing seventy-five thousand dollars (\$75,000.00) or less, the city manager shall have the power to reject any and all bids.
- (b) Any contract with a nongovernmental contractor for the purchase or lease of goods or for the purchase of services or construction the consideration for which is not expected to exceed fifty thousand dollars (\$50,000.00) may be bid and awarded to the lowest responsible bidder, or highest responsible bidder where applicable, such as where the city is leasing or selling public property or awarding concession rights, after public

advertisement and competition. Small purchase procedures shall provide for competition wherever practicable.

* * *

2. Section 23.1-6(g) Exceptions to requirement of competitive procurement, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§23.1-6. Exceptions to requirement of competitive procurement.

* * *

- (g) Where any contract for the purchase or lease of goods, services or construction is not expected to exceed fifty thousand dollars (\$50,000.00) and where any contract for the purchase of professional services is not expected to exceed thirty thousand dollars (\$30,000); or

* * *

3. In order to provide for the usual operation of the municipal government, an emergency is deemed to exist and this ordinance shall be in full force and effect as of July 1, 2002.

ATTEST:

City Clerk.

CITY OF ROANOKE
DEPARTMENT OF FINANCE
215 Church Avenue, S.W. Room 461
P.O. Box 1220
Roanoke, VA 24006-1220
Telephone: (540) 853-2824
Fax: (540) 853-2940

June 17, 2002

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Jr., Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of the City Council:

This report summarizes the appropriation of the following School Board grants for 2002 - 2003.

- \$150,000 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels.
- \$3,393,239 for the Title I Program to provide remedial reading, language arts and mathematics instruction for students in targeted schools.
- \$1,173,825 for the Governor's School Program to provide instruction in science and math to high school students from seven feeder school districts. Local match in the amounts of \$443,210 and \$47,740 will be provided from accounts 030-062-6001-6346-0588 and 030-065-6007-6998-0588, respectively.
- \$39,000 for the Summer Youth Employment program provides training and hands-on experience for disadvantaged or handicapped youth from the inner city, with the goal of enhancing employment potential, developing employment competencies, and enabling students to earn academic credit toward high school.
- \$1,913,671 for the Flow Through Program to provide aid for the education and guidance of handicapped students.
- \$69,755 for the Child Specialty Services Program to provide funds for the salary and expenses of the educational coordinator.

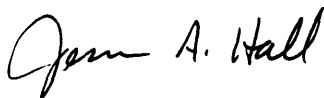
- \$73,460 for the Child Development Clinic Program to provide funds for the salary and expenses of the educational coordinator at the Clinic.
- \$222,391 for the Juvenile Detention Home Program to provide funds for the salary and expenses of the educational coordinators.
- \$135,979 for the Preschool Incentive Program to provide orientation and evaluation for handicapped students who will be entering the public school system for the first time during the fall.
- \$170,173 for the Special Education Jail Program provides funds for the salary and expenses of the staff providing special education instruction and screening services to the inmates of the Roanoke City Jail.
- \$163,604 for the Adult Basic Education Program to provide funds for the education of adults who have not completed high school. Local match in the amount of \$22,700 will be provided from account 030-062-6001-6450-0588.
- \$131,211 for the Apprenticeship Program to provide on-the-job and classroom vocational instruction for students in the apprenticeship program.
- \$49,960 for the Jobs for Virginia Graduates Program follows the curriculum of the Jobs for America's Graduates program to provide classroom training and work experience to assist at least 25 economically disadvantaged students to prepare for high school graduation or to sit for the General Education Development (GED) examination. Assistance will be provided to the students to find employment in a job which will allow for transition from school to work. Local match in the amount of \$28,960 will be provided from account 030-062-6001-6100-0204.
- \$397,251 for the Perkins Act Program to provide funds for vocational equipment.
- \$35,000 for the Regional Adult Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district which includes the Cities of Roanoke, Salem, Covington and Clifton Forge and the Counties of Roanoke, Craig, Botetourt and Alleghany.
- \$150,098 for the Regional Adult Literacy (TAP) Program to provide funds for the administration of adult literacy programs in Alleghany County, Roanoke County and the Cities of Covington, Clifton Forge and Salem.

- \$18,612 for the General Education Development (GED) Testing Program to provide instructors for GED preparation classes and for the administration of the GED examinations. The source of funds is student fees.
- \$26,913 for the Workplace Education Program to provide instructional programs developed with area business establishments for employees at the work sites. Programs include the development of knowledge and skills, in areas including preparation for the GED examination, reading comprehension, telephone usage, other work skills, and English as a second language. Funding for the program is provided through the assessment of fees.
- \$35,222 for the Regional Adult Basic Education Program to provide funds for the administration of adult literacy programs in Botetourt County and Craig County. Roanoke City serves as the regional coordinating agency for Adult Basic Education. Funds pass through the school district to the jurisdictions indicated for adult literacy programs.
- \$21,341 for the Adult Education in the Jail Program to provide for instruction to inmates in the Roanoke City Jail to aid in their acquisition of the General Education Development (GED) certificate.
- \$75,000 for the Grants Management Program to provide funding for the operating expenses of the Office of Grants.
- \$35,000 for the Homeless Assistance Program to provide instructional services to homeless students.
- \$1,472,708 for the Alternative Education Program to provide alternative curriculum and training for high risk students at the Noel C. Taylor Learning Academy, with a focus on improving the total self concept of the student. Local match revenue in the amount of \$1,402,082 will be provided from account 030-063-6001-6300-0588.
- \$212,232 for the Title V-A Program to provide funds for the implementation of innovative instructional programs in the school district and to provide visiting teacher services. Local match in the amount of \$27,308 will be provided from account 030-061-6001-6000-0202.
- \$122,107 for the Eisenhower Title II Professional Development program provides funds for the development of innovative math, science and technology teaching strategies to implement Virginia's Standards of Learning.

- \$760,522 for Title VI Class Size Reduction initiative provides funds for the placement of twelve classroom teachers to be placed in grades one through three throughout the district to reduce class size in those grades so that they are no higher than eighteen. Local match in the amount of \$145,566 will be provided from account 030-061-6001-6000-0201.
- \$159,071 for the Roanoke Adolescent Health Partnership to provide for medical services to the Roanoke City Schools in conjunction with the City of Roanoke Health Department and Carilion Health Systems. The program expenses are reimbursed by donations from Carilion Health Services.
- \$525,000 for the Blue Ridge Technical Academy to provide an educational training program for students at risk of academic failure and dropping out of school. The "regional high school" will provide 200 at-risk youth with the academic competencies and technical skills required to obtain substantial employment in the local labor market by focusing on skill development in the areas of manufacturing technology, computer science and electronics, health and medical services, optics, and consumer services. The Technical Academy is chartered by the Roanoke City Public Schools, and is housed in the Roanoke Higher Education Center. Local match in the amount of \$150,000 will be provided from account 030-062-6001-6143-0588.

I recommend your approval of the attached budget ordinance.

Sincerely,



Jesse A. Hall
Director of Finance

JAH/TCL/pac
Attachment

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education	\$ 113,155,555
Title I Even Start Family Literacy Grant 02-03	150,000
Title I 02-03	3,393,239
Governor's School 02-03	1,173,825
Summer Youth 02-03	39,000
Flow Through 02-03	1,913,671
Child Specialty Services 02-03	69,755
Child Development Clinic 02-03	73,460
Juvenile Detention Home 02-03	222,391
Preschool Incentive Program 02-03	135,979
Special Education Jail Program 02-03	170,173
Adult Basic Education 02-03	163,604
Apprenticeship Program 02-03	131,211
Jobs For Virginia Graduates 02-03	49,960
Perkins Act Program 02-03	397,251
Regional Adult Education Specialist 02-03	35,000
Regional Adult Literacy (TAP) 02-03	150,098
GED Testing 02-03	18,612
Workplace Education 02-03	26,913
Regional Adult Basic Education 02-03	35,222
Adult Education in the Jail 02-03	21,341
Grants Management 02-03	75,000
Homeless Assistance Program 02-03	35,000
Alternative Education 02-03	1,472,708
Title V-A 02-03	212,232
Eisenhower 02-03	122,107

Class Size Reduction 02-03	\$ 760,522
Adolescent Health Partnership 02-03	159,071
Blue Ridge Technical Academy 02-03	525,000

Revenues

Education	\$ 113,155,555
Title I Even Start Family Literacy Grant 02-03	150,000
Title I 02-03	3,393,239
Governor's School 02-03	1,173,825
Summer Youth 02-03	39,000
Flow Through 02-03	1,913,671
Child Specialty Services 02-03	69,755
Child Development Clinic 02-03	73,460
Juvenile Detention Home 02-03	222,391
Preschool Incentive Program 02-03	135,979
Special Education Jail Program 02-03	170,173
Adult Basic Education 02-03	163,604
Apprenticeship Program 02-03	131,211
Jobs For Virginia Graduates 02-03	49,960
Perkins Act Program 02-03	397,251
Regional Adult Education Specialist 02-03	35,000
Regional Adult Literacy (TAP) 02-03	150,098
GED Testing 02-03	18,612
Workplace Education 02-03	26,913
Regional Adult Basic Education 02-03	35,222
Adult Education in the Jail 02-03	21,341
Grants Management 02-03	75,000
Homeless Assistance Program 02-03	35,000
Alternative Education 02-03	1,472,708
Title V-A 02-03	212,232
Eisenhower 02-03	122,107
Class Size Reduction 02-03	760,522
Adolescent Health Partnership 02-03	159,071
Blue Ridge Technical Academy 02-03	525,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall
be in effect from its passage.

ATTEST:

City Clerk.

**Fair Housing Board
City of Roanoke
c/o Housing & Neighborhood Services
215 Church Ave. S. W., Room 167
Roanoke, VA 24011**

June 10, 2002

The Honorable Mayor Ralph Smith and
Members of City Council
Noel C. Taylor Municipal Building
215 Church Ave. S. W.
Roanoke, VA 24011

Dear Mayor Smith and Members of City Council:

As chairman of the Fair Housing Board, I am requesting time on the agenda for Monday, June 17, 2002 at 2:00 p.m. to present the Board's fair housing report to you and the citizens of Roanoke.

Thank you for your consideration in this matter.

Sincerely,



Brenda A. Powell
Chairman

BAP/d

pc: Fair Housing Board members
Dolores C. Daniels, Fair Housing Administrator



Sherman P. Lea, Chairman
Ruth C. Willson, Vice Chairman
Charles W. Day

Marsha W. Ellison
Gloria P. Manns
Melinda J. Payne

Brian J. Wisniewski
E. Wayne Harris, Ed.D., Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

June 17, 2002

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

The School Board at its June 11 meeting voted to request City Council to close-out forty-nine school grants that have been completed. Total outlays for the grants amounted to \$12,793,571.62. Revenue was provided for the grants as follows:

Federal funds - \$7,639,089.86
State funds - \$2,510,477.78
Fees and donations - \$811,592.41
Local match - \$1,832,411.57

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mr. Sherman P. Lea
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mrs. Ann H. Shawver (with accounting details)

**CITY OF ROANOKE
DEPARTMENT OF FINANCE**

215 Church Avenue, S.W. Room 461

P.O. Box 1220

Roanoke, VA 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

June 17, 2002

The Honorable Ralph K. Smith, Mayor
 The Honorable William H. Carder, Vice Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable C. Nelson Harris, Council Member
 The Honorable W. Alvin Hudson, Council Member
 The Honorable William White, Sr., Council Member
 The Honorable Linda F. Wyatt, Council Member

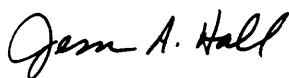
Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to close out forty-nine school grants that have been completed. Total outlays for the grants amounted to \$12,793,571.62. Revenue was provided for the grants as follows:

Federal funds	\$ 7,639,089.86
State Funds	2,510,477.78
Fees and donations	811,592.41
Local match	1,832,411.57

I recommend that you concur with this request of the School Board.

Sincerely,



Jesse A. Hall
 Director of Finance

JAH/TCL/pac

Attachments

c: Darlene L. Burcham, City Manager
 William M. Hackworth, City Attorney
 Mary F. Parker, City Clerk
 E. Wayne Harris, Superintendent of Schools



Sherman P. Lea, Chairman
Ruth C. Willson, Vice Chairman
Charles W. Day

Marsha W. Ellison
Gloria P. Manns
Melinda J. Payne

7.c.
Brian J. Wishneff
E. Wayne Harris, Ed.D., Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

June 17, 2002

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its June 11 meeting, the Board respectfully requests City Council to approve the following appropriations:

- \$92,700.00 from reallocated VPSA Bond funds from the Fishburn Park and Fairview renovations to be used for the installation of a limited use/limited application elevator at Ruffner Middle School.
- \$95,780.00 from reallocated VPSA Bond funds from the Fishburn Park and Fairview renovations to be used for the renovation of Lincoln Terrace Saturn Network School.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mr. Sherman P. Lea
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mrs. Ann H. Shawver (with accounting details)

**CITY OF ROANOKE
DEPARTMENT OF FINANCE**

215 Church Avenue, S.W. Room 461
P.O. Box 1220
Roanoke, VA 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

June 17, 2002

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$92,700 from reallocated VPSA Bond funds from the Fishburn Park and Fairview renovations to be used for the installation of a limited use/limited application elevator at Ruffner Middle School.
- \$95,780 from reallocated VPSA Bond funds from the Fishburn Park and Fairview renovations to be used for the renovation of Lincoln Terrace Saturn Network School.

I recommend that you concur with this request of the School Board.

Sincerely,



Jesse A. Hall
Director of Finance

JAH/TL/pac

Attachment

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 School Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education	\$ 25,238,375
Ruffner Limited Use Elevator (1)	92,700
Lincoln Terrace Renovation (2)	95,780

Revenues

Intergovernmental	\$ 15,030,699
VPSA Bonds - Ruffner Elevator (3)	92,700
VPSA Bonds - Lincoln Terrace Renovation (4)	95,780

- | | | |
|-------------------------------|--------------------------|-----------|
| 1) Appropriated From Literary | | |
| Loan/VPSA Bonds | (031-065-6063-6896-9006) | \$ 92,700 |
| 2) Appropriated From Literary | | |
| Loan/VPSA Bonds | (031-065-6064-6896-9006) | 95,780 |
| 3) VPSA Bond Funds | (031-065-6063-1280) | 92,700 |
| 4) VPSA Bond Funds | (031-065-6064-1281) | 95,780 |

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

WA 4

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Director of Real Estate Valuation, Municipal Auditor and City Clerk as of July 31, 2002, for the fiscal year beginning July 1, 2002; and providing for an emergency and an effective date.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. As of July 31, 2002, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, and for succeeding fiscal years unless modified by ordinance duly adopted by this Council, the annual salaries of Council-appointed officers shall be as follows:

City Manager	-	Current salary plus 3.0%
City Attorney	-	Current salary plus 3.0%
Director of Finance	-	Current salary plus 3.0%
Director of Real Estate Valuation	-	Current salary plus 3.0%
Municipal Auditor	-	Current salary plus 3.0%
City Clerk	-	Current salary plus 3.0%

2. Any increase in compensation due to any officer or employee under this Ordinance shall be first paid with the paycheck of July 31, 2002.

3. On and after January 1, 2003, the Director of Finance shall pay the sum of \$2,000.00 per quarter year to ICMA as deferred compensation on behalf of each of the six incumbent Council-appointed officers.

4. In no calendar year shall amounts of deferred compensation contributed by the City to ICMA on behalf of the six Council-appointed officers exceed the maximum amount permitted by the Internal Revenue Code and IRS regulations to be deferred on a tax-free basis annually.

5. The Director of Finance shall be authorized, for and on behalf of the City, to execute any documents required by ICMA to implement this ordinance.

6. This ordinance shall remain in effect until amended or repealed by ordinance duly adopted by City Council.

7. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect July 1, 2002.

ATTEST:

City Clerk.

A.1.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Baker Avenue Properties, Ltd., represented by Daniel F. Layman, Jr., attorney, that a portion of an alley extending in a westerly direction from 31st Street, N.W., between Baker Avenue, N.W., and Breckinridge Avenue, N.W., for a distance of approximately 209.5 feet, through the middle of property bearing Official Tax No. 2510104, be permanently vacated, discontinued and closed.

Planning Commission Action:

Public hearing was held by the Planning Commission on May 16, 2002. The Commission voted 6-0 (Mr. Campbell absent) to recommend approval of the requested closure.

Background:

The portion of alley requested for closure lies in a redevelopment area. Recently, the Roanoke Redevelopment and Housing Authority Board of Commissioners voted to discontinue it as such, but an official amendment has yet to be processed. The alley that the Petitioner requests a portion of to be closed is entirely unimproved.

Both the Petitioner's attorney and staff explained to the Planning Commission that this unimproved portion of alley splits the Petitioner's property and closure of it will reduce impediments for development. The Planning Commission did not direct any questions to the Petitioner's attorney or staff.

Considerations:

All of the parcels that adjoin the alley are zoned HM, Heavy Manufacturing. All of these parcels are vacant with the exception of tax map number 2510102, which is

classified as a wholesale operation of machinery, equipment and supplies by the Department of Real Estate Valuation. The portion of alley requested for closure splits the petitioner's property, Official Tax Map Number 2510104. American Electric Power advised that it has facilities in the area and would need to maintain an easement in the alley. All of the parcels adjoining the alley are accessible via Baker and Breckenridge Avenues.

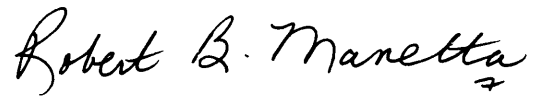
City Council is authorized to sell this vacated portion of alley, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation. Under such an arrangement, the price may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. The Department of Real Estate Valuation quoted the valuation range for this 3,142 square foot portion of alley as \$1,250 - \$1,575, based on a rate of \$.40 - \$.50 per square foot. Staff does not recommend that the applicant be required to pay for the portion of alley.

Recommendation:

The Planning Commission, by a vote of 6-0 (Mr. Campbell absent) recommended approval of the closure contingent upon the items listed below. The portion of alley in question divides the Petitioner's parcel and has no utilitarian value to the City.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is written in a cursive style with a small mark at the end of the last name.

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Dan Layman, Attorney for the Petitioner

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

In re: VACATION OF PART OF AN ALLEY)	APPLICATION
EXTENDING FROM 31 ST STREET, N.W.)	OF
BETWEEN BAKER AVENUE, NW,)	BAKER AVENUE
AND BRECKINRIDGE AVENUE, NW,)	PROPERTIES, LTD.
IN THE CITY OF ROANOKE, VIRGINIA)	

TO: The Honorable Mayor and Members of City Council

(1) Baker Avenue Properties, Ltd. ("Petitioner") applies to have a portion of an alley extending in a westerly direction from 31st Street, N.W. between Baker Avenue, N.W., and Breckinridge Avenue, N.W., in the City of Roanoke, Virginia, permanently vacated, discontinued, and closed pursuant to Section 15.2-2006, Code of Virginia, and Section 30-14, Code of the City of Roanoke (1979), both as amended. The alley to be closed is fifteen (15) feet wide and runs in an east-to-west direction for a distance of approximately 209.5 feet through the middle of the parcel bearing City of Roanoke Official Tax Number 2510104, which is owned by Petitioner. The area to be closed is shown cross-hatched on the copy of a portion of Appraisal Map Sheet attached to this Application as Exhibit A.

(2) The portion to be closed is part of an alley which runs from 31st Street, N.W. in a westerly direction through the middle of Blocks 1, 2 and 3 of the P. T. Trout Addition, dead-ending at the west boundary of Petitioner's property. This alley is not open on the ground at any point. Indeed, 31st Street itself is not open either, so that there is no existing access to the alley.

(3) Petitioner wishes to unify its property which is split by the alley so that it may be developed, necessitating that this portion of the alley be closed.

(4) The alley is bordered on each side entirely by property owned by the Petitioner and by Lightweight Block Co., Inc. The parcel at the west end of the alley has frontage on Baker Avenue, N.W. and does not require the alley to provide access. The names and addresses of these affected owners are attached to this petition on Exhibit B.

WHEREFORE, Baker Avenue Properties, Ltd. respectfully requests that the above-described alley portion be vacated, discontinued and closed by the Council of the City of Roanoke in accordance with Section 15.2-2006, Code of Virginia, and Section 30-14, Code of the City of Roanoke, both as amended to date.

Date: 4/2/02

Respectfully,
BAKER AVENUE PROPERTIES, LTD.

By


President

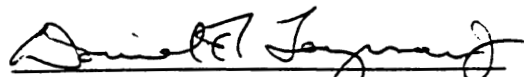

Daniel F. Layman, Jr.
Woods, Rogers & Hazlegrove, P.L.C.
P. O. Box 14125
Roanoke, VA 24038
(703) 983-7653
Counsel for Petitioner

Exhibit B

Property Owners Affected by the Requested Alley Closing

Owner of Parcels bearing Official Tax Numbers 2510106-2510117:

Lightweight Block Co., Inc.
P. O. Box 565048
Dallas, TX 75356

Owners of Parcel bearing Official Tax Number 2510102:

Pierre A. and Carolyn E. Gorla
P. O. Box 39
McLeansville, NC 27301

Petitioner owns the Parcel bearing Official Tax Number 2510105

Legal Description of Alley to be Closed

Baker Avenue Properties, Ltd.

Beginning at a point marked by an iron pin on the south right of way line of Baker Avenue, NW, 694.43 feet west of its intersection with 31st Street, NW; thence leaving Baker Avenue S. 5 degs. 53 mins. 53 secs. E. 216.85 feet to the a point on the north right of way line of an unopened 15-foot alley, the ACTUAL POINT OF BEGINNING; thence with the west end of the alley S. 5 degs. 53 mins. 53 secs. E. 10.08 feet to a point on the south right of way line of the alley; thence with the alley N. 76 degs. 57 mins. E. 209.50 feet to a point, corner to Lot 7, P. T. Trout Addition; thence crossing the alley N. 59 degs. E. 10.08 feet to a point in the north right of way line of the alley, corner to Lot 6, P. T. Trout Addition; thence with the alley S. 76 degs. 57 mins. W. 209.50 feet to the Actual Point of Beginning; and being the portion of said alley which runs through the approximate center of the 1.767-acre tract bearing City of Roanoke Official Tax No. 2510104.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Baker Avenue Properties, Ltd., filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on June 17, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That certain portion of an alley extending in a westerly direction from 31st Street, N.W., between Baker Avenue, N.W., and Breckinridge Avenue, N.W., for a distance of approximately 209.5 feet, through the middle of property bearing Official Tax No. 2510104

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Carilion Medical Center and the City of Roanoke Redevelopment and Housing Authority that Official Tax Nos. 4040501, 4040502, 4040503, 4040506, 4040507 and 4040508, on the south side of Jefferson Street, S. E., lying between the Norfolk Southern right-of-way and the Roanoke River, and containing 7.565 acres, more or less, be rezoned from HM, Heavy Manufacturing District, to INPUD, Institutional Planned Unit Development District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Planning Commission public hearing was held on May 16, 2002. By a vote of 5-0-1 (Mr. Campbell absent and Mr. Manetta abstaining), the Planning Commission recommended approval of the rezoning request.

Background:

The South Jefferson Redevelopment Plan was approved by City Council on March 19, 2001. The South Jefferson Redevelopment Area, located east of the Roy L. Webber Expressway, west of the Roanoke River, south of the Elm Avenue interchange with Interstate 581, and north of Wiley Drive, is expected to provide up to two million square feet of building space, attract up to \$300 million in private capital expenditures, and provide up to 2,500 new, technical jobs for the region. The Plan identified three general areas for redevelopment: (1) the Jefferson Street Corridor, (2) Campus and Institutional area in the vicinity of Reserve Avenue, and (3) the Crossing, in the vicinity of railroad development and warehouses. Four classifications of land uses were identified: institutional mixed use (i.e. research, biomedical and support uses), commercial support use (i.e. office, business support), commercial and residential mixed use (i.e. flexible, combination business and residential space), and public use

(i.e. greenways and open space). Public improvements are proposed, including upgraded transportation corridors, new public open spaces, and improved interstate access.

Riverside Centre for Research and Technology, an institutional mixed-use complex, is proposed for the Jefferson Street/Reserve Avenue corridor. Phase 1 of this facility includes the construction of a parking garage and support services east of Jefferson Street toward the Roanoke River on approximately 7.5 acres. Initially, these facilities will serve Carilion Roanoke Memorial Hospital, but in the future their use will be expanded for the proposed Carilion Biomedical Institute, a planned facility for Riverside Centre.

Planning Commission public hearing was held on May 16, 2002. Mr. Manetta and Mr. Christoledues, representing Carilion presented the request to the Commission. Staff report was given by Mr. Chittum, who recommended approval of the requested rezoning. There was no one present in the audience in opposition to or in favor of the request.

A Second Amended Petition to rezone from HM, Heavy Manufacturing District, to InPUD, Institutional Planned Unit Development District, was filed on May 31, 2002. The petitioner proffers the following conditions:

1. The development of the property shall be in substantial conformity with the attached approved institutional development plan, entitled Site Development Plans Carilion Roanoke Memorial Hospital CRMH/CBI (Riverwalk) Parking Deck, prepared by Mattern and Craig, dated May 9, 2002, which is attached as Exhibit C, subject to any changes required by the City during any subsequent plan amendment process.
2. The petitioner, Carilion Medical Center, shall remove the existing section of Reserve Avenue, east of Jefferson Street, including the existing at-grade railroad crossing, and shall dedicate as public right-of-way and complete construction of the new section of Reserve Avenue and the proposed right-of-way between Reserve Avenue and Bellevue Avenue, as shown on Exhibit C, to the satisfaction of the City Manager within two (2) years of the transfer of title and possession of Official Tax Numbers 4040301, 4040303 and 4040306 to the City of Roanoke Redevelopment and Housing Authority. The removal of the existing section of Reserve Avenue, east of Jefferson Street, including the existing at-grade railroad crossing, shall be subject to City Council's closure of such right-of-way, and the Petitioner, Carilion Medical Center shall petition for the vacation of such right-of-way prior to such removal.
3. Prior to the opening of the Pedestrian Bridge, as shown on Exhibit C, the Petitioner, Carilion Medical Center, shall construct at its cost, improvements on Bellevue Ave. including a traffic signal and new pedestrian crossing subject to the approval of the City's Traffic Engineer.

Considerations:

Institutional Planned Unit Development District is intended to encourage the harmonious development of institutional uses and mixed use campus developments while providing flexibility for creative development, minimizing impacts on neighboring uses, and recognizing special relationships of the institutional land uses and activities. Parking garages, daycare facilities, and office uses are permitted land uses within an InPUD district.

The site development plan has been approved and submitted as part of the Seconded Amended Petition. Currently, three buildings are proposed for the site: a 1,000 space parking garage, a day care center, and a credit union. The location and size of the parking garage structure are specified on the plan. The petitioner has indicated that the general location and size of the day care and credit union building have not been finalized.

The proposed development meets all development standards established for the InPUD district. The proposed development has a proposed floor area ratio of 0.9 (maximum of 10 allowed) and will provide 45% open space (10% minimum required). The height of the proposed garage will be 48 feet; other facilities are lower in height. No residential zoning or uses adjoin the development. There is no outdoor storage proposed and parking will be provided in the garage in addition to some surface parking for the proposed day care and credit union. Access to the proposed development will be via a bridge at Belleview Avenue and by an entrance road from Reserve Avenue at its intersection with Jefferson Street.

The City Traffic Engineer recommended the following design features to provide for safe pedestrian and traffic management: (1) configure the parking structure to prevent vehicles from stopping on the railroad tracks and install signs and other safety measures at the railroad crossing;(2) relocate the railroad tracks to create a perpendicular crossing at Jefferson Street and Reserve Avenue;(3) provide a pedestrian sidewalk on the access bridge or provide a separate public pedestrian bridge that meets state standards; and (4) install a signal for pedestrians at Belleview Avenue.

Norfolk Southern advised in a letter to Carilion, dated April 2, 2002, that it wished to have: (1) the garage designed to have safe, unobstructed traffic flow, (2) an attendant on duty during morning peak traffic, (3) installation of railroad crossing signs, and (4) removal and relocation of the existing railroad crossing. Norfolk Southern requested that these items be included as proffered conditions. Staff believes that, with the exception of the attendant, these items have been addressed in the revised petition.

A revised plan that incorporates the recommended traffic management measures has been submitted and approved. Because of the differences in grade, the new alignment of Reserve Avenue depends on the abandonment of the rail siding used by Roanoke City Mills. This contingency is reflected in the second proffered condition.

The proposed development area is located within the 100-year floodplain. The site and buildings will be developed in accordance with adopted floodplain regulations.

The South Jefferson Redevelopment Plan was found to be in accordance with the City's Comprehensive Plan (March 2001). *Vision 2001-2020 Comprehensive Plan* specifically recommends the following:

- *Economic base.* Roanoke will have a sustainable, diverse economic base that supports target industries in biotechnology, optics, information technology/software, transportation related manufacturing and services and supporting business services.
- *Industrial development.* Underutilized and vacant industrial sites will be evaluated and redevelopment encouraged. Local policies and incentives and state economic incentives will strengthen the businesses and industries in the Enterprise Zones and provide jobs.
- *Development Opportunities:* the plan identifies the area as a commercial and industrial development opportunity.

Recommendation:

By a vote of 5-0-1 (Mr. Campbell absent and Mr. Manetta abstaining), the Planning Commission recommended approval of the rezoning request. The proposed development is in accordance with the comprehensive plan in that it will support development of a sustainable, diverse economic base and redevelops an underutilized industrial site.

Respectfully submitted,



Richard A. Rife, Vice Chairman
City of Roanoke Planning Commission

attachment

cc: Darlene L. Burcham, City Manager
Rolanda A. Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Edward G. Murphy, MD, President, Carilion Medical Center
John P. Baker, Executive Director, RRHA

SECOND AMMENDED PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of six (6) parcels of land lying in the City of Roanoke, on the south side of Jefferson Street S.E. and lying between the Norfolk Southern right-of-way and the Roanoke River bearing City of Roanoke Official Tax No. 4040501, 4040502, 4040503, 4040506, 4040507, and 4040508 ("Property") containing 7.565 acres, more or less, from **HM**, Heavy Manufacturing District to **INPUD**, Institutional Planned Unit Development District, subject to certain proffered conditions.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioners, **Carilion Medical Center** is the owner of the parcels having the Official Tax No. 4040501, 4040502, 4040506, and 4040508 ("Carilion Parcels") and **City of Roanoke Redevelopment and Housing Authority** is owner of the parcels having the Official Tax No 4040503 and 4040507 ("RRHA Parcels") which constitutes most of the real estate commonly identified as 1A in the South Jefferson Redevelopment Plan. Said Parcels are currently zoned **HM**, Heavy Manufacturing District. A map of the Property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that the Property be rezoned from **HM**, Heavy Manufacturing District to **INPUD**, Institutional Planned Unit Development District. This rezoning will be subject to certain conditions proffered by the Petitioners.

The Petitioners believe that the rezoning of the said Property will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan and that it will promote the development of this existing industrial site, thereby ensuring a strong and diversified economic base while maintaining the neighborhood character of the nearby existing residential area.

Further, Petitioners believe that the proposed development as described herein and as indicated on the Institutional Development Plan is in conformity with the Redevelopment Plan for the South Jefferson Redevelopment Area which Council has found, by its adoption, on March 19, 2001, of Resolution No. 35248-03191, being substantially in accord with City's comprehensive plan.

Upon the completion of the rezoning, it is the intention of Carilion and the City of Roanoke Redevelopment and Housing Authority to develop on the Property a parking garage, day care center and office space for a financial institution.

Attached as Exhibit B are the names, addresses, and tax numbers of the owner or owners of all lots or property immediately adjacent to or immediately across a street or road from the Property to be rezoned.

In requesting this rezoning, the Petitioners voluntarily proffer and agree to the following conditions:

1. The development of the Property shall be in substantial conformity with the attached approved institutional development plan, entitled *Site Development Plans Carilion Roanoke Memorial Hospital CRMH/CBI (Riverwalk) Parking Deck*, prepared by Mattern and Craig, dated May 9, 2002, which is attached as Exhibit C, subject to any changes approved by the City during any subsequent plan amendment process.
2. The Petitioner, Carilion Medical Center, shall remove the existing section of Reserve Avenue, east of Jefferson Street, including the existing at-grade railroad crossing, and shall dedicate as public right-of-way and complete construction of the new section of Reserve Avenue and the proposed right-of-way between Reserve Avenue and Belleview Avenue, as shown on Exhibit C, to the satisfaction of the City Manager within two (2) years of the transfer of title and possession Official Tax Numbers 4040301, 4040303, and 4040306 to the City of Roanoke Redevelopment and Housing Authority. The removal of the existing section of Reserve Avenue, east of Jefferson Street, including the existing at-grade railroad crossing, shall be subject to City Council's closure of such right-of-way, and the Petitioner, Carilion Medical Center shall petition for the vacation of such right-of-way prior to such removal.
3. Prior to the opening of the Pedestrian Bridge, shown on Exhibit C, the Petitioner, Carilion Medical Center, shall construct at its

cost improvements on Belleview Ave. including a traffic signal and new pedestrian crossing subject to the approval of the City's Traffic Engineer.

WHEREFORE, the Petitioners request that the above-described parcel of land be rezoned as requested in accordance with the provisions of the Zoning Ordinance.

Respectfully submitted this 30th day of May 2002.

Carilion Medical Center
(Owner: Carilion Parcels)

By: 

Edward G. Murphy, M. D., President
213 S. Jefferson Street, Suite 720
Roanoke, Virginia 24011
(540 981 7831)

City of Roanoke Redevelopment and Housing
Authority
(Owner: RRHA Parcels)

By: 

John P. Baker, Executive Director
2624 Salem Turnpike, N. W.
Roanoke, Virginia 24017-5334
(540 983 9241)

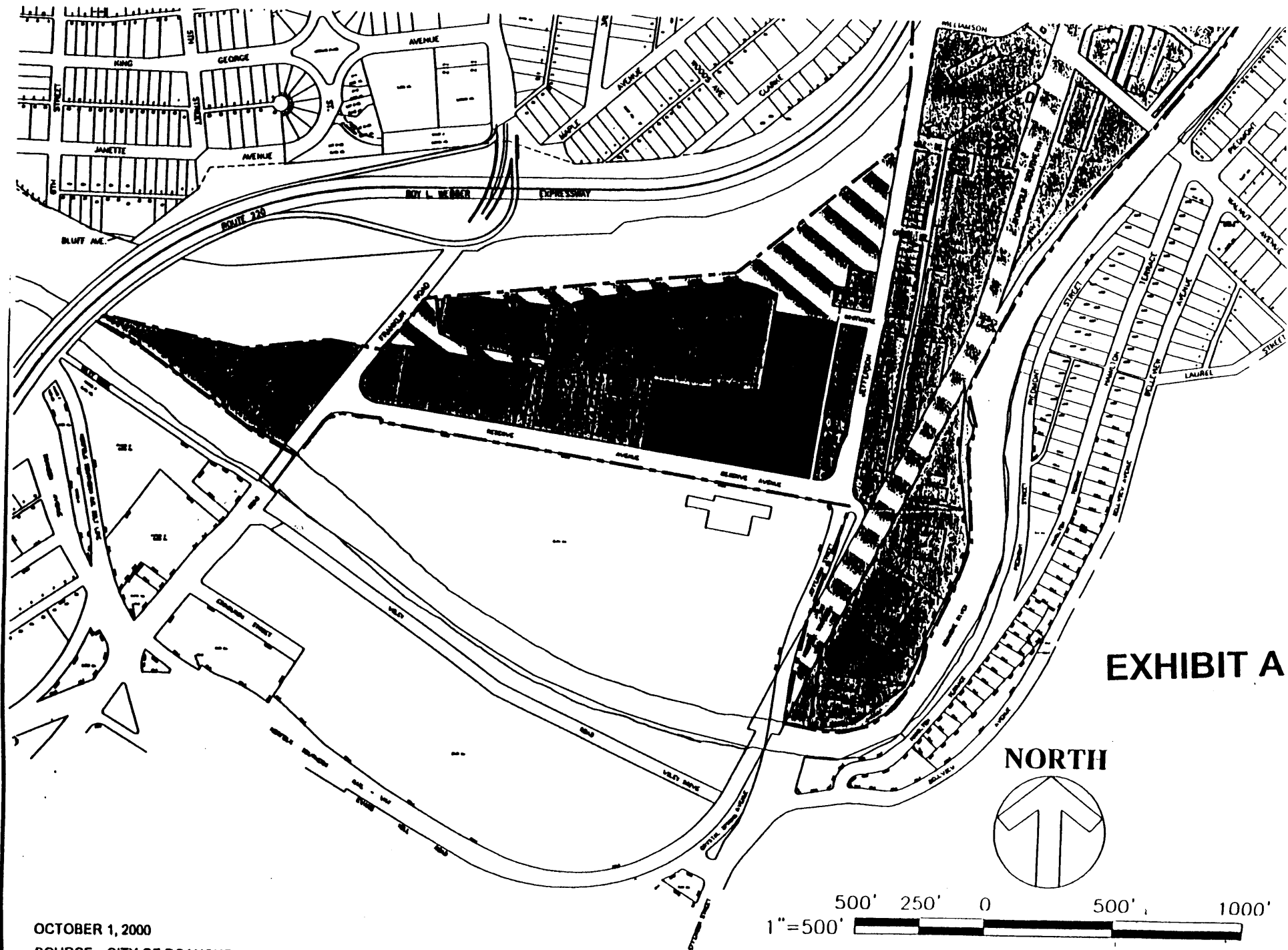
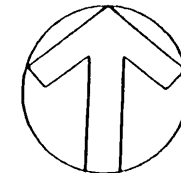


EXHIBIT A

NORTH



500' 250' 0 500' 1000'
1"=500'

OCTOBER 1, 2000

SOURCE: CITY OF ROANOKE
ZONING DISTRICT MAPS

HAYES, SEAY, MATTERN & MATTERN, INC
K.W. POORE & ASSOC. INC
HILL STUDIO
WEEDEN GROUP

EXHIBIT B

OWNER

Railroad: Norfolk Southern Corporation
Real Estate Department
110 Franklin Road SE
Roanoke, Virginia 24042

SITE DEVELOPMENT PLANS CARILION ROANOKE MEMORIAL HOSPITAL CRMH/CBI (RIVERWALK) PARKING DECK CITY OF ROANOKE, VIRGINIA

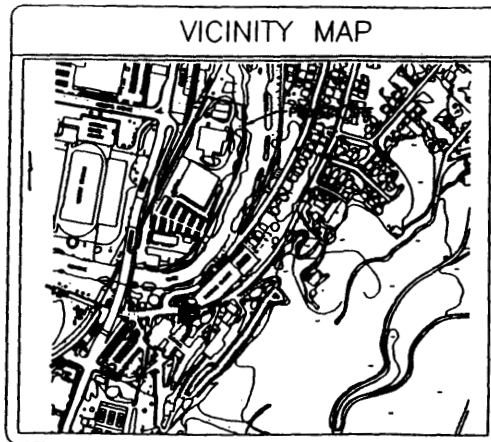
WATER & SEWER NOTES (CITY OF ROANOKE)

SEWER NOTES

1. A MINIMUM COVER OF THREE (3) FEET IS REQUIRED OVER PROPOSED LINES.
2. CONTRACTORS SHALL BE RESPONSIBLE FOR LOCATING AND UNCOVERING ALL MANHOLES AFTER PAVING. MANHOLE TOPS SHALL BE ADJUSTED TO GRADE IF NECESSARY.
3. ALL EXISTING UTILITIES MAY NOT BE SHOWN, OR MAY NOT BE SHOWN IN THE EXACT LOCATION. THE CONTRACTOR SHALL COMPLY WITH STATE WATER WORKS REGULATIONS, SECTION 12.05.03, WHERE LINES CROSS.
4. SEWER CONNECTIONS ARE TO BE MADE WITH 4" PIPE INSTALLED ON A MINIMUM GRADE OF 1/4 INCH TO 1 FOOT IN THE RIGHT WAY.
5. LATERALS FROM MANHOLES SHALL BE P.V.C. OR DUCTILE IRON OF SUFFICIENT LENGTH TO PROVIDE TWO (2) FEET OF BEARING ON NATURAL GROUND.
6. ALL TRENCHES IN EXISTING OR FUTURE HIGHWAY RIGHT OF WAYS SHALL BE COMPACTED ACCORDING TO CITY OF ROANOKE STANDARDS.
7. LINES SHALL BE STAKED PRIOR TO CONSTRUCTION.
8. SEWER MAIN SHALL BE SD-35 POLYETHYLENE GLASS REINFORCED PIPE OR CITY OF ROANOKE APPROVED EQUAL.

WATER NOTES

1. A MINIMUM COVER OF THREE (3) FEET, IS REQUIRED OVER PROPOSED LINES.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND UNCOVERING VALVE VAULTS AFTER PAVING AND ADJUSTMENT TO FINAL GRADE IF NECESSARY.
3. ALL EXISTING UTILITIES MAY NOT BE SHOWN, OR MAY NOT BE SHOWN IN THE EXACT LOCATION. THE CONTRACTOR SHALL COMPLY WITH STATE WATER WORKS REGULATIONS, SECTION 12.05.03, WHERE LINES CROSS.
4. ALL TRENCHES IN EXISTING OR FUTURE HIGHWAY RIGHT OF WAYS SHALL BE COMPACTED ACCORDING TO CITY OF ROANOKE STANDARDS.
5. LINES SHALL BE STAKED PRIOR TO CONSTRUCTION.
6. WATER MAIN SHALL BE MINIMUM CLASS 50 DUCTILE IRON IN ACCORDANCE TO ANNA C151 OR CITY OF ROANOKE APPROVED EQUAL.



GENERAL NOTES

OWNER/DEVELOPER:

CARILION HEALTH SYSTEM
C/O CARILION ROANOKE MEMORIAL HOSPITAL
430 MACLENNAN STREET
ROANOKE, VA 24014
TELEPHONE: (540) 981-8834
FAX: (540) 981-7408
CONTACT: JOHN CHRISTODOULIDES

ENGINEER:

MATTHEM & CRAIG, INC.
701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24018
TELEPHONE: (540) 345-8342
FAX: (540) 345-7891
CONTACT: TOM AUSTIN

WASTE GENERATION:

WASTE WATER:

2. NORMAL DOMESTIC WASTE GENERATED BY EMPLOYEES AND CUSTOMERS WILL BE DISCHARGED TO THE LOCAL POTW.

SOLID WASTE:

3. MISCELLANEOUS TRASH AND SOILED PAPER WILL BE PLACED IN AN ENCLOSED DUMPSTER AND DISPOSED OF BY A LOCAL HAULER.

SHEET LIST:

- C-1 COVER SHEET
- C-2 ABBREVIATIONS AND LEGEND SHEET
- C-3 DEMOLITION AND REMOVAL PLAN
- C-4 SITE PLAN
- C-5 UTILITY PLAN
- C-6 GRADING AND STORM DRAINAGE PLAN
- C-7 EROSION & SEDIMENT CONTROL PLAN
- C-8 PLAN AND PROFILE - ROAD
- C-9 CROSS-SECTIONS
- C-10 CROSS-SECTIONS
- C-11 CONSTRUCTION DETAILS
- C-12 EROSION & SEDIMENT CONTROL DETAILS
- L-1 LANDSCAPE PLAN

CITY CONSTRUCTION NOTES

ALL LANDOWNERS, DEVELOPERS AND CONTRACTORS

FAILURE TO COMPLY WITH THE CONSTRUCTION PROCEDURE REQUIREMENTS LISTED BELOW MAY RESULT IN THE COSTLY REMOVAL OF STRUCTURES, TIME DELAYS OR THE ISSUANCE OF A STOP WORK ORDER.

1. **CITY INSPECTIONS** - TO INSURE THE COORDINATION OF TIMELY AND PROPER INSPECTIONS, A PRE-CONSTRUCTION CONFERENCE SHALL BE INITIATED BY THE CONTRACTOR WITH THE CITY BUILDING INSPECTIONS DEPARTMENT. CALL (540) 853-1129 TO ARRANGE A CONFERENCE AT LEAST THREE (3) DAYS PRIOR TO ANTICIPATED CONSTRUCTION.
2. **STREET OPENING PERMIT** - PRIOR TO THE COMMENCEMENT OF ANY DIGGING, ALTERATION OR CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY (STREETS, ALLEYS, PUBLIC EASEMENTS), A STREET OPENING PERMIT SHALL BE APPLIED FOR AND OBTAINED BY THE CONTRACTOR FROM THE CITY OF ROANOKE.
3. **PLANS AND SPECIFICATIONS** - A COPY OF THE PLANS APPROVED BY THE CITY (SIGNED BY THE PROPER CITY OFFICIALS) AND ALL PERMITS ISSUED BY THE CITY SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES OF ONGOING CONSTRUCTION.
4. **LOCATION OF UTILITIES** - THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.
5. **CONSTRUCTION ENTRANCE** - THE CONTRACTOR SHALL INSTALL AN ADEQUATE CONSTRUCTION ENTRANCE FOR ALL CONSTRUCTION RELATED DEVICES FROM THE SITE. SIZE AND COMPOSITION OF CONSTRUCTION ENTRANCE SHALL BE DETERMINED BY THE CITY SITE PLAN INSPECTOR.
6. **STREETS BE KEPT CLEAN** - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSURE THAT THE PUBLIC STREET ADJACENT TO THE CONSTRUCTION ENTRANCE REMAINS FREE OF MUD, DIRT, DUST AND/OR ANY TYPE OF CONSTRUCTION MATERIALS OR LITTER AT ALL TIMES.
7. **BARRECADES/CHAINS** - THE CONTRACTOR SHALL MAINTAIN THE INTEGRITY OF ALL EXCAVATED DITCHES AND SHALL FURNISH AND ENSURE THAT ALL BARRECADES PROPER AND NECESSARY FOR THE SAFETY OF THE PUBLIC ARE IN PLACE.
8. **SEWER AND DRAINAGE RELOCATION** - CONSTRUCTION OF SANITARY SEWERS AND THE REPLACEMENT OF PAVEMENT SHALL BE IN ACCORDANCE WITH APPROVED STANDARDS AND SPECIFICATIONS OF THE CITY OF ROANOKE.
9. **APPROVED PLANS/CONSTRUCTION CHANGES** - ANY CHANGE OR VARIATION FROM CONSTRUCTION DESIGN AS SHOWN ON THE OFFICIALLY APPROVED PLANS SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO SAID CHANGES OR VARIATION IN CONSTRUCTION BEING MADE.
10. **FINAL ACCEPTANCE/CITY** - THE DEVELOPER OR CONTRACTOR SHALL FURNISH THE CITY OF ROANOKE'S ENGINEERING DEPARTMENT WITH A FINAL CORRECT SET OF AS-BUILT PLANS PRIOR TO FINAL ACCEPTANCE BY THE CITY.

APPROVED

CITY ENGINEER _____ DATE _____
PLANNING COMMISSION _____ DATE _____

DEVELOPMENT PLAN APPROVED

Date 5/13/02
Agent, Planning Commission
Development Engineer
Zoning Administrator
Any changes to this approved plan must be approved with the Agent to the Planning Commission and revisions approved prior to construction.

Matthew & Craig, Inc.
1000 N. 10TH STREET
SUITE 100
ROANOKE, VA 24018
TEL: (540) 345-8342

CARILION ROANOKE MEMORIAL HOSPITAL
CRMH/CBI (RIVERWALK) PARKING DECK
COVER SHEET
CITY OF ROANOKE, VIRGINIA

Vertical Scale

N/A

Horizontal Scale

N/A

Commission Number











1996

Sheet No.

C-1

E/P	EXPANSION
ED	EXTERIOR
EP	FRAME
FEH	FLOOR DRAIN
FES	FOUNDATION
FF	FLARED END SECTION
FFE	FINISH FLOOR
FFI	FINISHED FLOOR ELEVATION
FI	FIRE HYDRANT
FIG	FIGURE
FIN	FINISH
FIXT	FIXTURE
FL	FLOOR
FLEX	FLEXIBLE
FT	FLANGE
FTG	FOOT
FUT	FOOTING
GAL	FUTURE
GALV	GALLON
GAR	GALVANIZED
GND	GARAGE
GR	GROUND
GWT	GRAVEL
CPM	GOVERNMENT
CRIG	GALLONS PER MINUTE
GV	GRATING
GW	GAS VALVE
H	GRAY WATER
HB	HOT
HK	HOSE BIBB
HKR	HOOK
HOE	HOLLOW METAL
HOE, HOEZE	HORIZONTAL
HP	HORSE POWER
HPT	HIGH POINT
HYD	HYDRANT
ID	INSIDE DIAMETER
IN	INCH
INSUL	INSULATION
IPV	IRON PIPE
JT	JOINT
JB	JUNCTION BOX
L	LENGTH, LONG
LF	LINEAL FOOT
LP	LONG
LP	LIGHT POLE
LR	LONG RADIOUS
LT	LEFT
LNG	LIGHTING
MACH	MACHINERY
MAS	MASONRY
MATL	MATERIAL
MAX	MAXIMUM
MB	MAILBOX
MEDH	MECHANICAL
MFR	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
MI	MECHANICAL JOINT
MON	MASONRY OPENING
MOV	MOREMENT
N	NORTH
NFC	NORTH
MTL	MOUNTING
MTL	METAL
MA	MUD VALVE
N & C	NAIL AND CAP
NIC	NOT IN CONTRACT
NTS	NUMBER
OC	NOT TO SCALE
OD	ON COVERS
OPR	OPERATOR
OPR	OPERATING
OPP	OPPOSITE
PC	PAPER BOX
PC	POINT OF CURVE
PER	POINT OF COMPOUND
PERF	PERIMETER
PERP	PERPENDICULAR
PI	POINT OF INTERSECTION
PIV	POST INDICATOR VALVE
PL	PLATE, PROPERTY LINE
PLYWD	PLYWOOD

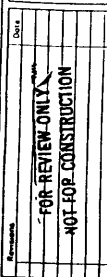
MATERIALS SYMBOLS

	METAL
	BRICK
	CONCRETE MASONRY
	CONCRETE
	GROUT OR FINISHED CONCRETE
	INSULATION (RIGID)
	WOOD BLOCKING
	FINISHED WOOD OR PLYWOOD
	GRAVEL OR STONE
	EARTH

CIP		CULVERT INLET PROTECTION
IP		STORM DRAIN INLET PROTECTION
DV		DIVERSION
ST		TEMPORARY SEDIMENT TRAP
CE		TEMPORARY GRAVEL CONSTRUCTION ENTRANCE
RR		RINRAP
SF		SILT FENCE
DC		DUST CONTROL
TS		TEMPORARY SEEDING

[illegible]

- BUILDING WITH PORCH OR STOOP
- FOUNDATION ONLY
- CONTOUR, CONTOUR WITH ELEVATION
- SPOT ELEVATION
- CONCRETE CURB
- CONCRETE CURB & GUTTER
- CONCRETE WALK OR SLAB
- EDGE OF PAVEMENT
- UNPAVED OR GRAVEL ROAD
- TREE LINE
- TREE OR SHRUB
- FENCE
- CENTERLINE CREEK
- PROPERTY LINE
- BASELINE
- LIMIT OF WORK LINE
- FIELD SURVEY TRANSVERSE POINT
- P.C. OR P.T.
- GEOLOGIC BORE HOLE
- STORM DRAIN AND ENDWALL
- SANITARY SEWER
- FORCE MAIN
- GAS MAIN OR SERVICE LINE
- WATER MAIN OR SERVICE LINE
- ELECTRICAL LINE
- UNDERGROUND ELECTRICAL LINE
- PIPE FITTINGS
- FIRE HYDRANT
- GATE VALVE
- WATER VALVE
- CLEANOUT
- MANHOLE
- DOROP INLET (CURB AND GRATING TYPES)
- S.M. - GAS METER, W.M. - WATER METER
- TELEPHONE LINE
- UNDERGROUND TELEPHONE LINE
- TELEPHONE POLE, GUY AND ANCHOR
- POWER POLE, GUY AND ANCHOR
- LIGHT POLE
- TELEPHONE PEDESTAL
- WALLED TELEPHONE VAULT
- BANDON OR REMOVE
- PAVED DITCH
- PAVEMENT CULVERT
- VAULT WITH FLARED END SECTION
- JOBS AND TACKS
- COORDINATE POINT



Drawn By: CLJ
 Designed By: WIA
 Checked By: WIA
 Date: 5/9/02

MA **Mattem & Craig**
COMMERCIAL DESIGNERS • ARCHITECTS

701 FIRST STREET, S.E.
BOZEMAN, MONTANA 59714
(505) 343-0342
FAX (505) 343-7881

Cal Score	N/A
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Parental Scale
N/A

Commission Number
1006

1996
1 No

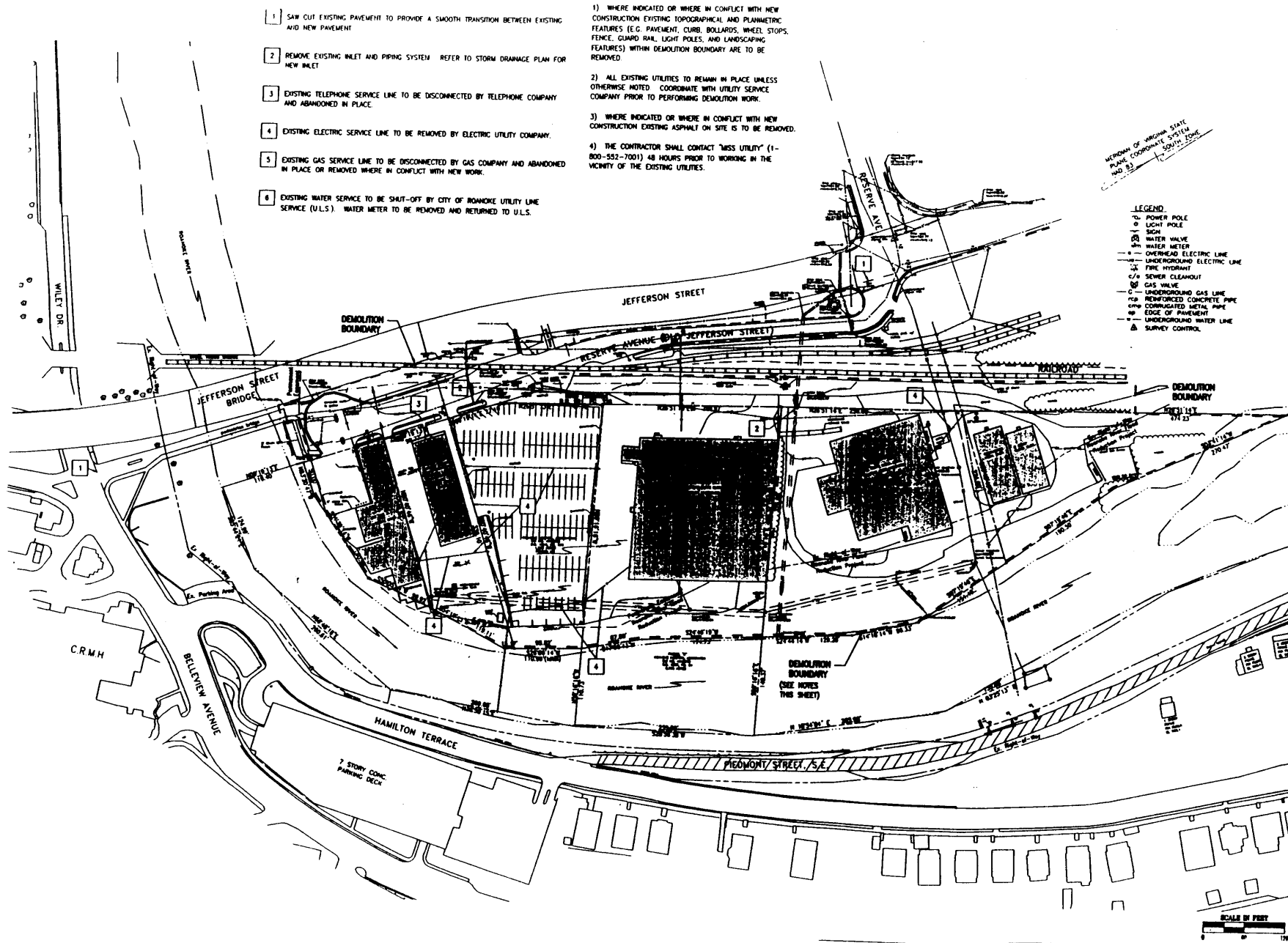
C-2 |

DETAIL/SECTION NUMBER

1

C.3 | C.7

--- SHEET WHERE DETAIL/SECTION IS DRAWN




- 1) SAW CUT EXISTING PAVEMENT TO PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING AND NEW PAVEMENT
- 2) REMOVE EXISTING INLET AND PIPING SYSTEM. REFER TO STORM DRAINAGE PLAN FOR NEW INLET
- 3) EXISTING TELEPHONE SERVICE LINE TO BE DISCONNECTED BY TELEPHONE COMPANY AND ABANDONED IN PLACE.
- 4) EXISTING ELECTRIC SERVICE LINE TO BE REMOVED BY ELECTRIC UTILITY COMPANY.
- 5) EXISTING GAS SERVICE LINE TO BE DISCONNECTED BY GAS COMPANY AND ABANDONED IN PLACE OR REMOVED WHERE IN CONFLICT WITH NEW WORK.
- 6) EXISTING WATER SERVICE TO BE SHUT-OFF BY CITY OF ROANOKE UTILITY LINE SERVICE (U.L.S.). WATER METER TO BE REMOVED AND RETURNED TO U.L.S.

- 1) WHERE INDICATED OR WHERE IN CONFLICT WITH NEW CONSTRUCTION EXISTING TOPOGRAPHICAL AND PLANNIMETRIC FEATURES (E.G. PAVEMENT, CURB, BOLLARDS, WHEEL STOPS, FENCE, GUARD RAIL, LIGHT POLES, AND LANDSCAPING FEATURES) WITHIN DEMOLITION BOUNDARY ARE TO BE REMOVED.
- 2) ALL EXISTING UTILITIES TO REMAIN IN PLACE UNLESS OTHERWISE NOTED. COORDINATE WITH UTILITY SERVICE COMPANY PRIOR TO PERFORMING DEMOLITION WORK.
- 3) WHERE INDICATED OR WHERE IN CONFLICT WITH NEW CONSTRUCTION EXISTING ASPHALT ON SITE IS TO BE REMOVED.
- 4) THE CONTRACTOR SHALL CONTACT "MISS UTILITY" (1-800-552-7001) 48 HOURS PRIOR TO WORKING IN THE VICINITY OF THE EXISTING UTILITIES.

WILSON OF VIRGINIA STATE
PLANS COORDINATE SYSTEM
H&D 93 SOUTH ZONE

- LEGEND
- TL POWER POLE
 - OL LIGHT POLE
 - SGH SIGN
 - WM WATER METER
 - OE OVERHEAD ELECTRIC LINE
 - UL UNDERGROUND ELECTRIC LINE
 - TH TIRE HYDRANT
 - CE SEWER CLEANOUT
 - GV GAS VALVE
 - UG UNDERGROUND GAS LINE
 - RCB REINFORCED CONCRETE PIPE
 - CMR CORRUGATED METAL PIPE
 - EP EDGE OF PAVEMENT
 - UL UNDERGROUND WATER LINE
 - SC SURVEY CONTROL



FOR REVIEW ONLY
NOT FOR CONSTRUCTION

Project No.	Date	Revision	Sheet No.
1/1/96	1/1/96		C-3

Matthew & Craig
CONSULTING ENGINEERS & ARCHITECTS
1000 N. 10TH ST., SUITE 100
ROANOKE, VA 24060
TEL: (804) 781-1000

**CARLTON ROANOKE MEMORIAL HOSPITAL
CRASH/COM (INTERIM) PARKING DECK
DEMOLITION AND
REMOVAL PLAN**
CITY OF ROANOKE, VIRGINIA

Vertical Scale: 3/4" = 1'

Horizontal Scale: 1" = 40'

Commission Number: 1996

- THE PROJECT SITE SHOWN HEREON CONSISTS OF THE FOLLOWING TAX PARCEL #/S:
 - 4040507
 - 4040508
 - 4040502
 - 4040504
 - 4040503
 - 4040501
- SITE AREA (6 PARCELS) = 7.5630 ACRES
- CURRENT ZONING: HM
PROPOSED ZONING: IMPUD (INSTITUTIONAL PLANNED UNIT DEVELOPMENT DISTRICT)
- CURRENT USE:
 - VACANT BUILDINGS
 - WAREHOUSING
 - AUTOMOBILE SERVICE
 - MEDICAL TRANSPORTATION SERVICES

PROPOSED USE:
 - 1,000 CAR PARKING GARAGE (66,240 SF)
 - 20,000 SQUARE FOOT DAY CARE
 - 3,000 SQUARE FOOT CREDIT UNION

- MAXIMUM FLOOR AREA RATIO = 10.0
PROPOSED FLOOR AREA RATIO = 0.90
- YARD: THE PROJECT SITE DOES NOT ADJOIN A RESIDENTIALLY ZONED PROPERTY; THEREFORE THERE SHALL BE NO BUILDING SETBACKS
- MAXIMUM HEIGHT: NO BUILDING PROPOSED ON THE PROJECT SITE ADJOINS A LOT CURRENTLY ZONED RESIDENTIAL, OR USED AS RESIDENTIAL; THEREFORE THERE SHALL BE NO HEIGHT RESTRICTION. THE MAXIMUM HEIGHT OF THE PROPOSED BUILDING IS 48 FEET.
- OPEN SPACE
REQUIRED = 10% OR 32,953 SQUARE FEET
PROVIDED = 45% OR 149,157 SQUARE FEET
- OUTDOOR STORAGE SHALL NOT BE PERMITTED.
- PARKING TABULATION:
 - REQUIRED CREDIT UNION = 15 SPACES
 - PROVIDED CREDIT UNION = 18 SPACES
 - REQUIRED DAY CARE = 84 SPACES
 - PROVIDED DAY CARE (IN SURFACE PARKING) = 12 SPACES (IN PARKING STRUCTURE) = 32 SPACES

- IMPERVIOUS AREA
 - EXISTING = 212,902 SQUARE FEET
 - PROPOSED = 145,290 SQUARE FEET
- LOT COVERAGE = 27.7%

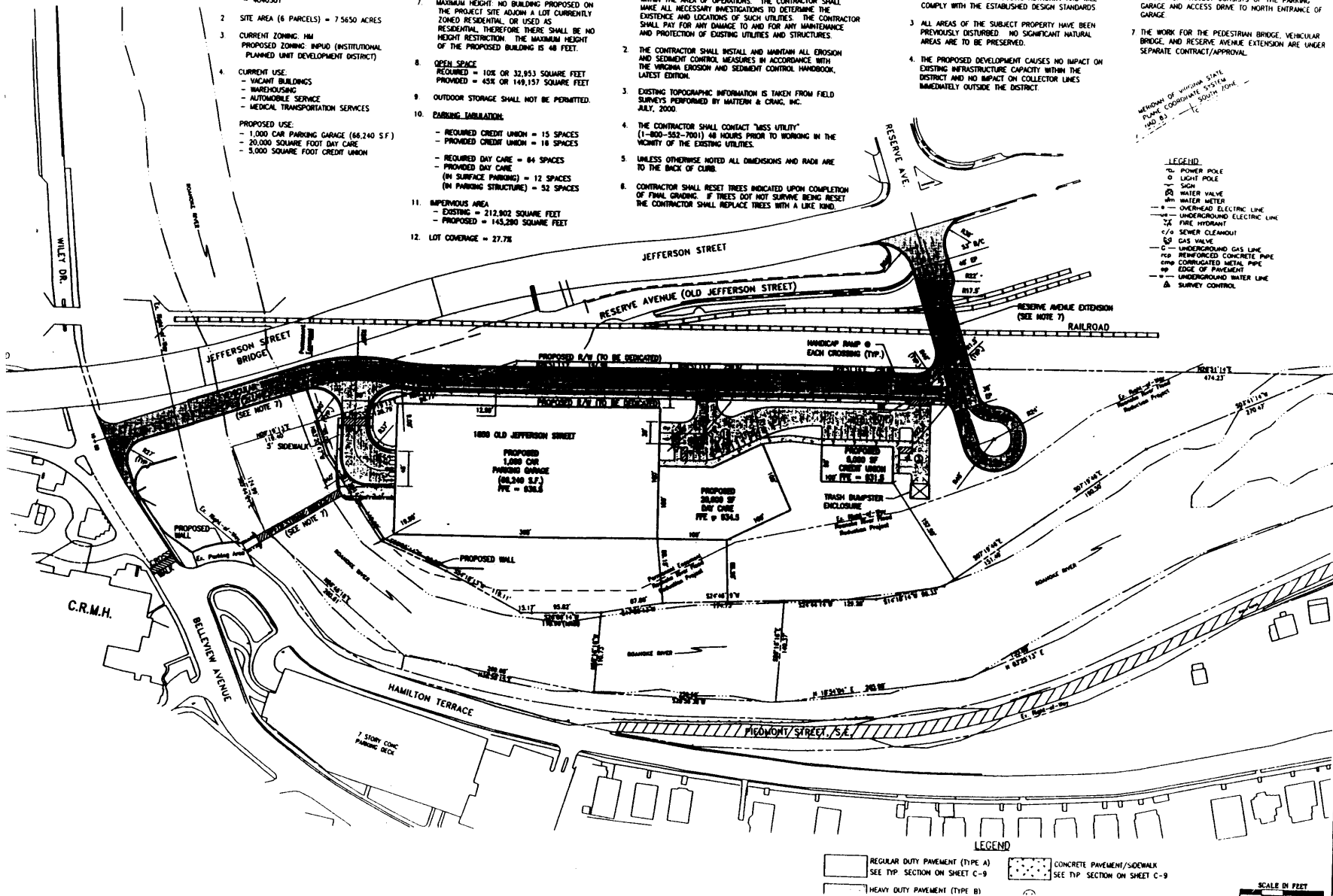
- THE LOCATION OF EXISTING UTILITIES, INCLUDING UNDERGROUND UTILITIES, IS INDICATED ON THE DRAWINGS INsofar AS THEIR EXISTENCE AND LOCATION WERE KNOWN AT THE TIME OF THE PREPARATION OF THE DRAWINGS. HOWEVER, NOTHING IN THESE CONTRACT DOCUMENTS SHALL BE CONSTRUED AS A GUARANTEE THAT SUCH UTILITIES ARE IN THE LOCATION INDICATED OR THAT THEY ACTUALLY EXIST, OR THAT OTHER UTILITIES ARE NOT WITHIN THE AREA OF OPERATIONS. THE CONTRACTOR SHALL MAKE ALL NECESSARY INVESTIGATIONS TO DETERMINE THE EXISTENCE AND LOCATIONS OF SUCH UTILITIES. THE CONTRACTOR SHALL PAY FOR ANY DAMAGE TO AND FOR ANY MAINTENANCE AND PROTECTION OF EXISTING UTILITIES AND STRUCTURES.
- THE CONTRACTOR SHALL INSTALL AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- EXISTING TOPOGRAPHIC INFORMATION IS TAKEN FROM FIELD SURVEYS PERFORMED BY MATTHEW & CRAIG, INC. JULY, 2000.
- THE CONTRACTOR SHALL CONTACT "JESS UTILITY" (1-800-352-7001) 48 HOURS PRIOR TO WORKING IN THE VICINITY OF THE EXISTING UTILITIES.
- UNLESS OTHERWISE NOTED ALL DIMENSIONS AND RADII ARE TO THE BACK OF CURB.
- CONTRACTOR SHALL RESET TREES INDICATED UPON COMPLETION OF FINAL GRADING. IF TREES DO NOT SURVIVE BEING RESET THE CONTRACTOR SHALL REPLACE TREES WITH A LIKE KIND.

- REFER TO SHEET C-1 FOR EXISTING BUILDINGS AND LAND USE OF SUBJECT PROPERTY
- SUBJECT PROPERTY IS PART OF THE SOUTH JEFFERSON REDEVELOPMENT AREA AS DEFINED BY THE ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY AND WILL COMPLY WITH THE ESTABLISHED DESIGN STANDARDS
- ALL AREAS OF THE SUBJECT PROPERTY HAVE BEEN PREVIOUSLY DISTURBED. NO SIGNIFICANT NATURAL AREAS ARE TO BE PRESERVED.
- THE PROPOSED DEVELOPMENT CAUSES NO IMPACT ON EXISTING INFRASTRUCTURE CAPACITY WITHIN THE DISTRICT AND NO IMPACT ON COLLECTOR LINES IMMEDIATELY OUTSIDE THE DISTRICT.

- THE PROPOSED DEVELOPMENT RESULTS IN REDUCTION OF IMPERVIOUS AREA. SEE NOTE 11 UNDER DEVELOPMENT STANDARDS.
- THIS PLAN SHOWS ULTIMATE BUILD-OUT OF PROPERTY. PHASE I OF PROJECT CONSISTS OF THE PARKING GARAGE AND ACCESS DRIVE TO NORTH ENTRANCE OF GARAGE.
- THE WORK FOR THE PEDESTRIAN BRIDGE, VEHICULAR BRIDGE, AND RESERVE AVENUE EXTENSION ARE UNDER SEPARATE CONTRACT/APPROVAL.

MEASUREMENT OF VERTICAL STATE PLANE COORDINATES POSITIVE AND NEGATIVE TO SOUTH ZONE.

- LEGEND
- TO POWER POLE
 - TO LIGHT POLE
 - TO SIGN
 - TO WATER VALVE
 - TO WATER METER
 - TO OVERHEAD ELECTRIC LINE
 - TO UNDERGROUND ELECTRIC LINE
 - TO FIRE HYDRANT
 - TO SEWER CLEANOUT
 - TO GAS VALVE
 - TO UNDERGROUND GAS LINE
 - TO REINFORCED CONCRETE PIPE
 - TO CORRUGATED METAL PIPE
 - TO EDGE OF PAVEMENT
 - TO UNDERGROUND WATER LINE
 - TO SURVEY CONTROL



REVIEW ONLY NOT FOR CONSTRUCTION	DATE: 1/2/01 DRAWN BY: C-2 CHECKED BY: J-2 PROJECT NO.: 701 PDR STREET, 1000 PROJECT NAME: MEDICAL CENTER PROJECT ADDRESS: 701 PDR STREET, 1000
Matthew & Craig CONSULTING ENGINEERS & ARCHITECTS 701 PDR STREET, 1000 ROANOKE, VA 24004 PHONE: (540) 757-7571	
SITE PLAN CAROLAN ROANOKE MEDICAL CENTER C.R.M.H. (ROANOKE) PARKING DECK CITY OF ROANOKE, VIRGINIA	
Vertical Scale: N/A Horizontal Scale: 1"=60' Commission Number: 1996 Sheet No: C-4	Vertical Scale: N/A Horizontal Scale: 1"=60' Commission Number: 1996 Sheet No: C-4

1. THIS EROSION AND SEDIMENT CONTROL (ESC) SHEET SHOWS ESC MEASURES WHICH ARE TO BE CONSTRUCTED DURING VARIOUS PHASES OF THE SITE GRADING AND CONSTRUCTION. NOT ALL ESC MEASURES ARE NECESSARY TO COMPLETE EACH PHASE OF THE WORK SHOWN.

2 REFER TO SHEET C-10 FOR EROSION AND SEDIMENT CONTROL
DETAILS AND DESIGN DATA/ /

3. ALL DISTURBED AREAS NOT PAVED OR BUILT UPON SHALL BE SEEDDED IN ACCORDANCE WITH THE PERMANENT SEEDING (PS) MIXTURE SHOWN ON SHEET C-110. DISTURBED AREAS THAT WILL NOT BE BROUGHT TO FINAL GRADE WITHIN 30 DAYS, SHALL BE SEEDDED IN ACCORDANCE WITH STATE MINIMUM STANDARD, 3.31-TEMPORARY SEEDING (TS).

4 ALL EROSION AND SEDIMENT CONTROL MEASURE SHOWN HEREON SHALL COMPLY WITH THE "VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK", LATEST EDITION.

5 THE LOCATION OF ALL OFF-SITE/FILL OR BORROW AREAS ASSOCIATED WITH THE CONSTRUCTION PROJECT WILL BE PROVIDED TO ROMANO CITY ENGINEERING DEPARTMENT. EROSION AND SEDIMENT CONTROL PLAN OR MEASURES MAY BE REQUIRED.

8. PERMANENT SEEDING APPLIED TO ALL MECHANICALLY STABILIZED SLOPES AND SLOPES STEEPER THAN 3:1 SHALL MEET THE FOLLOWING MIXTURE:

<u>POUNDS PER ACRE</u>	<u>SEED TYPE</u>
100	KENTUCKY 31
2	RED TOP
20	SEASONAL NURSE CROP (ANNUAL RYE, FOXTAIL MILLET, WINTER RYE MIX)
20	CROWN VETCH

(SF) SRT FENCE (STD. 3.09)

(ST) TEMPORARY SEDIMENT TRAP (STD. 3.13)

(CE) TEMPORARY STONE CONSTRUCTION ENTRANCE (STD. 3.02)

(OP) OUTLET PROTECTION (STD. 3.18)

(IP) STORM DRAIN INLET PROTECTION (STD. 3.07)

(PS) PERMANENT SEEDING (STD. 3.32)

(CIP) CULTIVET INLET PROTECTION (STD. 3.00)

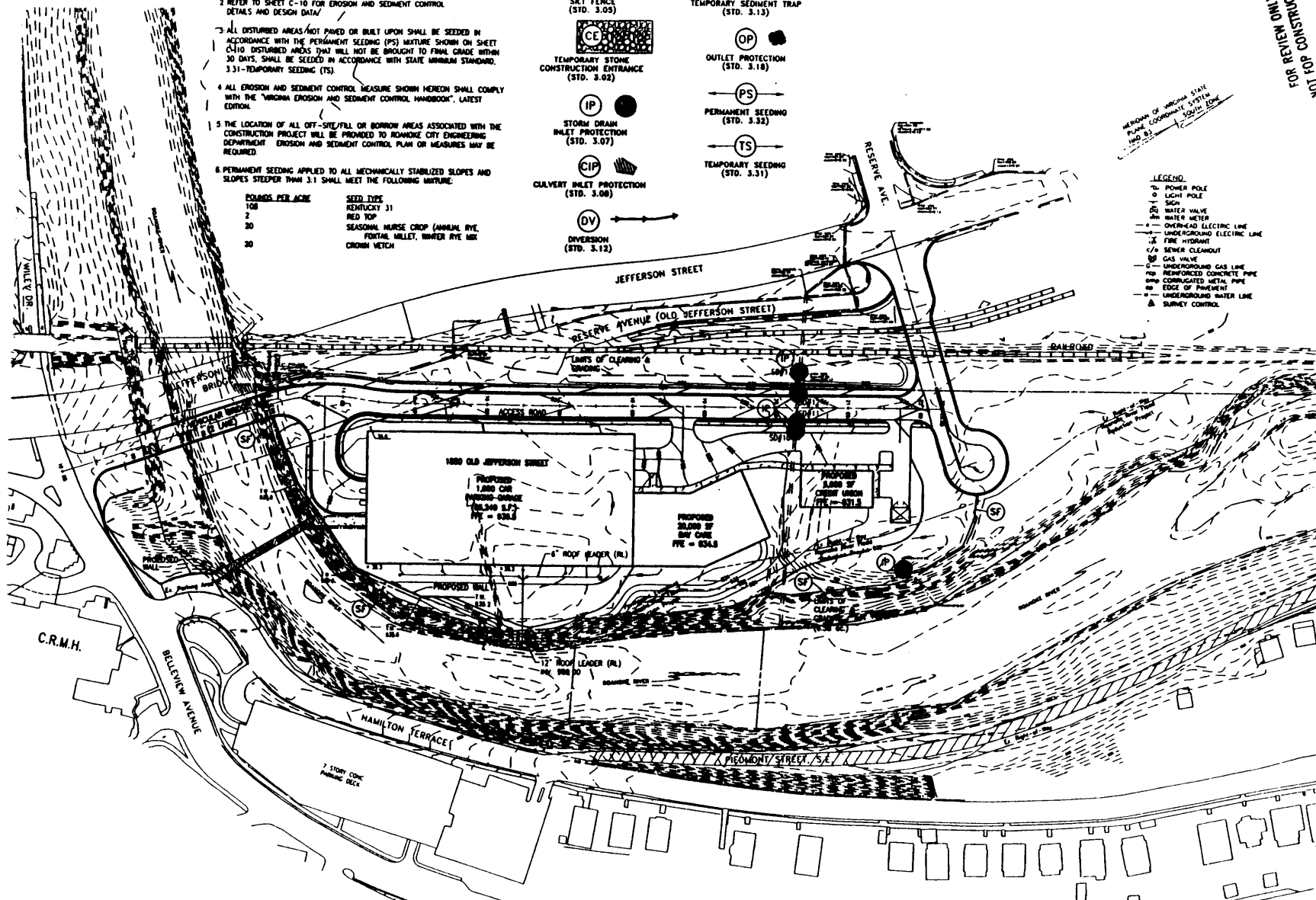
(TS) TEMPORARY SEEDING (STD. 3.31)

(DV) DIVERSION (STD. 3.12)

LEGEND

- ⊙ POWER POLE
- LIGHT POLE
- SUG
- WV WATER VALVE
- WM WATER METER
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- FIRE HYDRANT
- SEWER CLEANOUT
- GAS VALVE
- UNDERGROUND GAS LINE
- CORRUGATED CONCRETE PIPE
- COMPLICATED METAL PIPE
- EDGE OF PAVEMENT
- UNDERGROUND WATER LINE
- △ SURVEY CONTROL

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NOT FOR CONSTRUCTION



SCALE IN FEET

MA **Mattem & Craig**
CRIMINAL DEFENSE • BUREAU OF INVESTIGATION
701 FIRST STREET, S.W.
MINNEAPOLIS, MINN. 55401

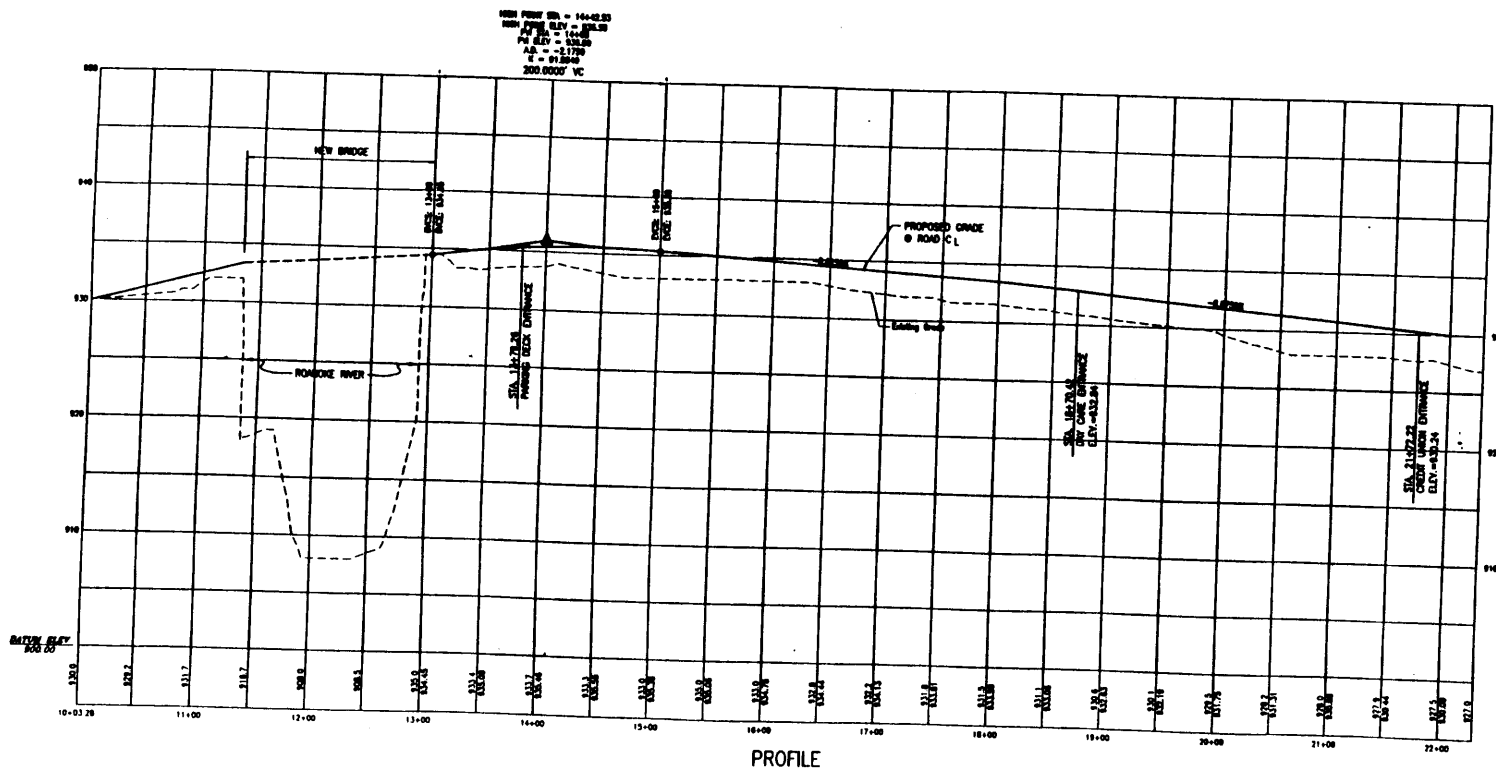
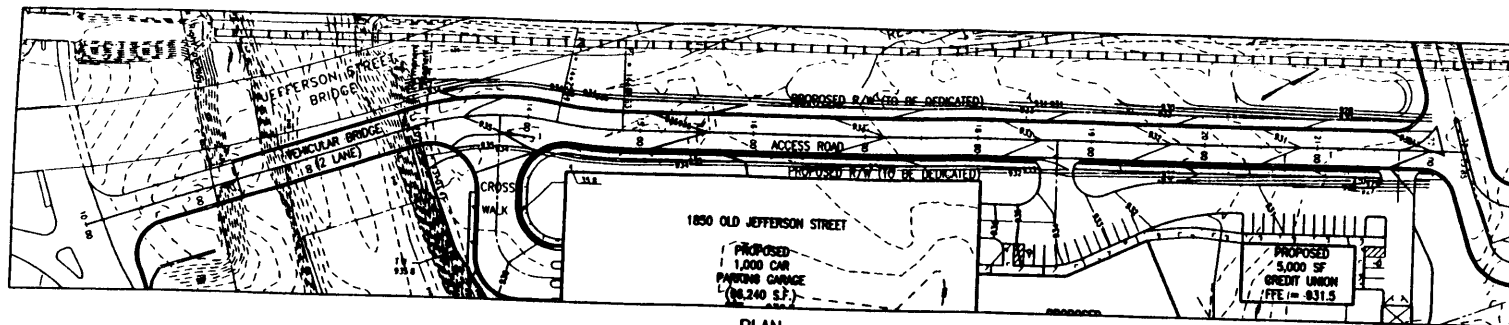
CARLTON ROANOKE MEMORIAL HOSPITAL
CRUW/CBI (RIVERWALK) PARKING DECK
EROSION AND SEDIMENT
CONTROL PLAN

Vertical Scale
N/A

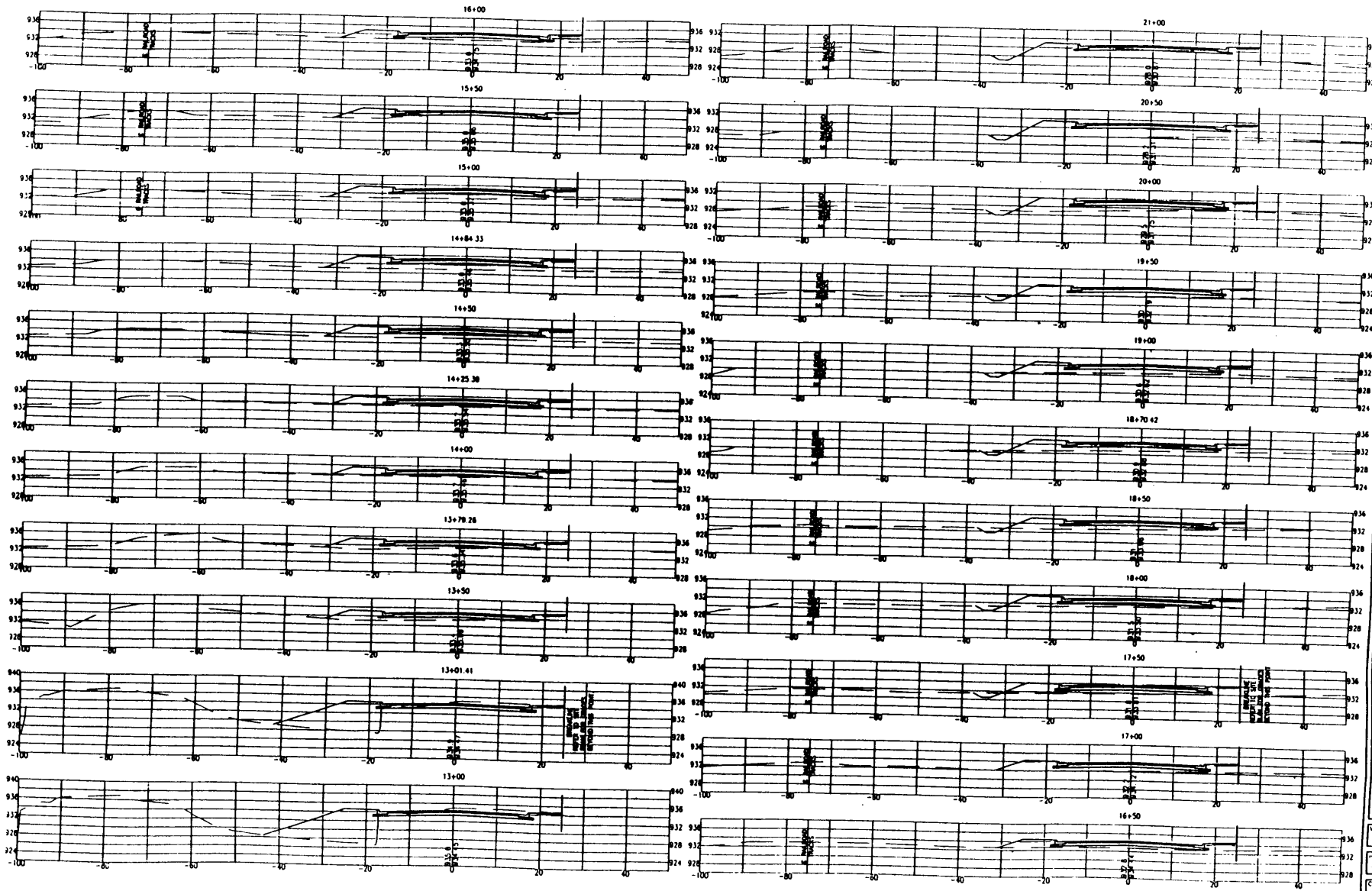
Horizontal Scale
1"=80'

Commission Number
1996


Sheet No
C-7



Mattem & Craig CONSULTING ENGINEERS & ARCHITECTS 101 WEST 10TH STREET, SUITE 100 ROANOKE, VA 24004 TEL: (800) 368-1462 FAX: (800) 368-1463		PREPARED BY: [] CHECKED BY: [] DESIGNED BY: [] DRAWN BY: [] DATE: []
CITY OF ROANOKE MEMORIAL HOSPITAL CROWN/COR (HISTORICAL) PARKING DECK PLAN AND PROFILE - ROAD CITY OF ROANOKE, VA		FOR REVIEW ONLY NOT FOR CONSTRUCTION
Vertical Scale 1" = 5'		C-8
Horizontal Scale 1" = 50'		
Commission Number 1996		
Sheet No.		



SCALE IN FEET
1" = 10'



Mattem & Craig
CONSTRUCTION, INC.
101 WEST STREET, 18
FLOOR, SUITE 1800
BALTIMORE, MD 21201
TEL (410) 381-1800
FAX (410) 381-1801

CROSS SECTIONS
CARLIN O. ROWAN MEMORIAL HOSPITAL
OUTPATIENT (PRENATAL) PARKING DECK
CITY OF ROANOKE, VA

Vertical Scale
1" = 10'

Horizontal Scale
1" = 10'

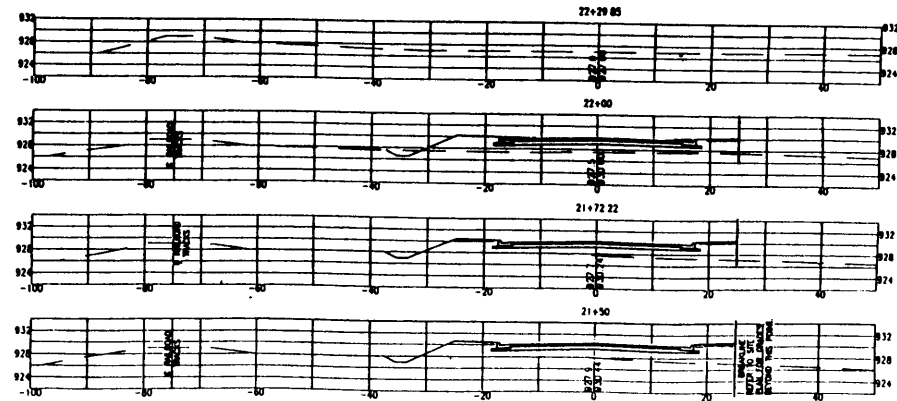
Commission Number
1996

Sheet No.
C-9

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NOT FOR CONSTRUCTION

Revisions

Date	By	Description
10/1/96	CLJ	Drawn By CLJ
10/1/96	WLA	Designed By WLA
10/1/96	WLA	Checked By WLA
10/1/96	WLA	Date 10/1/96



SCALE IN FEET
0 100

CARLON ROANOKE MEMORIAL HOSPITAL
CRASH/CB (RIVERWALK) PARKING DECK
CITY OF ROANOKE, VA

Vertical Scale
1" = 10'

Horizontal Scale
1" = 10'

Commission Number
1996

Sheet No.

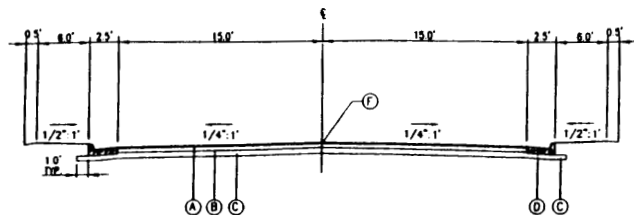
C-10

Mattem & Craig
CONSULTING ENGINEERS & ARCHITECTS
701 WEST STREET, S.E.
ROANOKE, VIRGINIA 24001
(540) 343-5141
FAX (540) 343-7861

Issue Date
5/1/96
Drawn By
C.L.J.
Designed By
W.A.
Checked By
W.A.
Date
5/1/96

Revisions
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

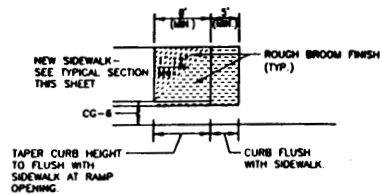
APPROVED BY
DATE
5/1/96
BY
W.A.
FOR
CITY OF ROANOKE



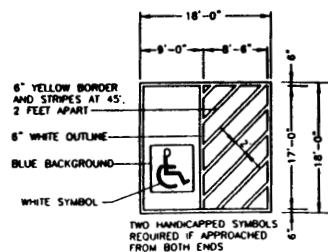
STREET - TYPICAL SECTION
NO SCALE

TYPICAL SECTION KEYNOTES:

- (A) 220 LBS./S.Y. ASPHALT CONCRETE, SM-9.5
- (B) 2" ASPHALT CONCRETE BASE, TYPE BM-25.0
- (C) 6" AGGREGATE MATERIAL, SIZE 21B. AGGREGATE BASE TO BE SEALED WITH RC-250 AT 0.3 GAL./SQ. YD. AND NO. 78 STONE AT 15 LBS./SQ. YD.
- (D) VDOT STD. CG-6 CONCRETE CURB & GUTTER
- (E) VDOT STD. CG-7 COMBINATION 4" CONCRETE CURB & GUTTER
- (F) POINT OF GRADE/CENTERLINE

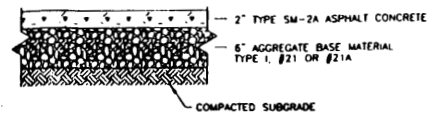


HANDICAPPED ACCESS RAMP DETAIL
NO SCALE

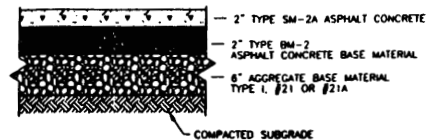


NOTE:
HANDICAP SIGNS SHALL BE LOCATED BEHIND WALK, CENTERED IN FRONT OF EACH HANDICAPPED PARKING SPACES

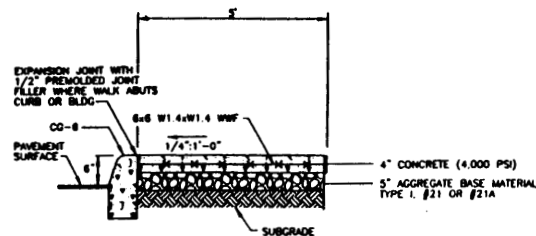
HANDICAPPED PARKING DETAILS
NO SCALE



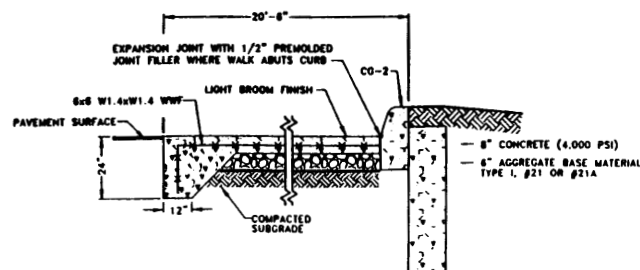
PAVEMENT SECTION - TYPE A - REGULAR DUTY
NO SCALE



PAVEMENT SECTION - TYPE B - HEAVY DUTY
NO SCALE

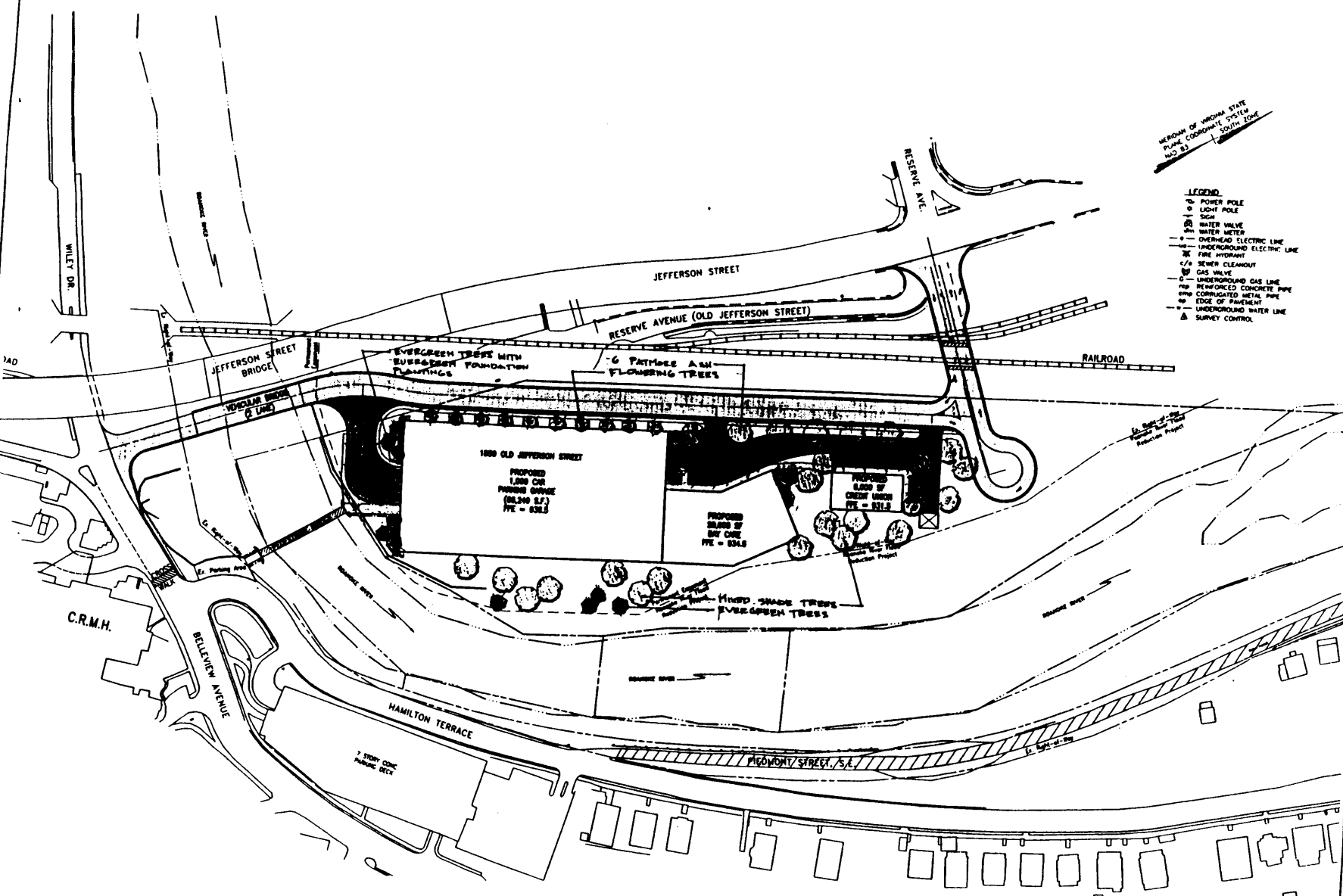


SIDEWALK SECTION
NO SCALE



DUMPSTER ENCLOSURE SECTION
NO SCALE

FOR REVIEW ONLY NOT FOR CONSTRUCTION	
Date: 1/17/02 Drawn By: CLT Checked By: WFL Date: 1/17/02	Design: 1/17/02 Date: 1/17/02
Matthew & Craig CONSULTING ENGINEERS & ARCHITECTS 2000 W. BROAD ST., SUITE 100 RICHMOND, VA 23218 TEL: (804) 350-1001	
CONSTRUCTION DETAILS CAROLAN ROANOKE MEMORIAL HOSPITAL CHW/CB (RIVERWALK) PARKING DECK CITY OF ROANOKE, VIRGINIA	
Vertical Scale: N/A	Horizontal Scale: N/A
Construction Number: 1996	
Sheet No: C-11	



MEMORANDUM OF VIRGINIA STATE
PLANE COORDINATE SYSTEM
NAD 83 SOUTH LONG

- LEGEND**
- TP POWER POLE
 - LP LIGHT POLE
 - SW SIGN
 - WV WATER VALVE
 - WM WATER METER
 - OL OVERHEAD ELECTRIC LINE
 - UL UNDERGROUND ELECTRIC LINE
 - FE FIRE HYDRANT
 - CS SEWER CLEANOUT
 - GV GAS VALVE
 - UG UNDERGROUND GAS LINE
 - RCP REINFORCED CONCRETE PIPE
 - CMC CORRUGATED METAL PIPE
 - EP EDGE OF PAVEMENT
 - UL UNDERGROUND WATER LINE
 - SC SURVEY CONTROL

Project Name	Drawn By	Designed By	Checked By	Date
Carilion Roanoke Memorial Hospital C.R.M.H. (ORIGINAL) PARKING DECK	CLZ	WFL	WFL	4/26/96

Matthew & Craig
CONSULTING ENGINEERS, INC.

301 ONE STREET, S.W.
ROANOKE, VIRGINIA 24004
TEL: (804) 241-7901

LANDSCAPE PLAN

CARILION ROANOKE MEMORIAL HOSPITAL
C.R.M.H. (ORIGINAL) PARKING DECK
CITY OF ROANOKE, VIRGINIA

Vertical Scale	Horizontal Scale
N/A	1" = 80'
Commission Number	
1996	
Sheet No.	
L-1	

SCALE OF 1" = 100'

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 404, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Carilion Medical Center and City of Roanoke Redevelopment and Housing Authority, have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from HM, Heavy Manufacturing District, to INPUD, Institutional Planned Unit Development District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on June 17, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 404 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

Six parcels of land lying in the City of Roanoke, on the south side of Jefferson Street, S.E. and lying between the Norfolk Southern right-of-way and the Roanoke River bearing Official Tax Map Nos. 4040501, 4040502, 4040503, 4040506, 4040507 and 4040508, be, and are hereby rezoned from HM, Heavy Manufacturing District to INPUD, Institutional Planned Unit Development District, subject to the proffers contained in the Second Amended Petition filed in the Office of the City Clerk on May 31, 2002, and that Sheet No. 404 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

A.3.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Sally and Matthew T. O'Bryan, represented by Edward A. Natt, Esquire, to rezone a portion of property at 902 Penmar Avenue, S.E., being a 0.0324 acre portion, more or less, of Official Tax No. 4130410, zoned RM-1, Residential Multi-Family, Low Density District, to C-2, General Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Planning Commission public hearing was held on May 16, 2002. By a vote of 6-0 (Mr. Campbell absent), the Commission voted to recommend approval of the requested rezoning.

Background:

The request for rezoning from RM-1 Residential Multifamily, Low Density District, to C-2, General Commercial District, was filed on September 6, 2001. A seconded amended petition was filed on March 14, 2002, and a third Amended Petition was filed May 30, 2002, (see attached copy), for the purpose of allowing the existing accessory building on Ninth Street, S.E., to be used for a commercial business. Currently, there is also an existing house on the lot. The rezoning request is subject to the following current proffered conditions:

- (a) There will be no expansion to the structure;
- (b) No alcohol will be sold on the premises;
- (c) No outside telephones will be placed on the property;
- (d) Uses of the property will be limited to the following:

- (ii) general service establishments primarily engaged in the repair or maintenance of goods or items except automobiles, trucks or construction equipment, and including the provision of business and personal services and other similar uses; and
- (iii) General retail establishments primarily engaged in the retail or sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment, and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.

(e) Signage for the commercial use shall be limited to ten (10) square feet.

Planning Commission held a public hearing on this request on October 18, 2001. Mr. Ed Natt presented the rezoning request advising that the building had been used for many years as a commercial business but had been vacant for longer than two years and lost its grandfather status. Mr. Natt advised that the property owner had no specific user for the property. Mr. Jacques Scott, City Planner, presented the staff report, recommending denial of the rezoning, and advised that the Southeast Action Forum had voiced concerns with respect to the use of the building and were concerned about parking. After discussion by Commission members, the matter was tabled until the November meeting to allow the petitioner time to identify specific uses and consider further the consequences related to the residential portion of the property, which would become non-conforming if the property were rezoned. Since October 18, 2001 until present, the petitioner has requested continuance of the matter in order to discuss more specific uses for the property and several issues have been resolved.

Planning Commission public hearing was held on May 16, 2002. Mr. Ed Natt, attorney for the petitioner, presented the rezoning request. Mr. Jacques Scott, City Planner, presented the Planning staff report and recommended approval of the request. There was discussion of various amendments to the proffers and Mr. Natt agreed to file a third amended petition addressing the amount of signage and amendment of the first proffer to allow no expansion of the structure. Mr. Scott also stated that with the proffers the Southeast Action Forum would be in support of the rezoning. Mr. Manetta called for comments from the audience and there was no one present to speak in opposition to or in support of the rezoning request.

Considerations:

The surrounding zoning pattern of the area is as follows:

North- Zoning is RM-1, Residential Multifamily, Low Density District. Land uses adjacent to the subject property include single-family dwellings built in the 1920s. Northeast of the subject property is Jackson Park, a 22-acre neighborhood park.

South- Zoning is RM-1, Residential Multifamily, Low Density. Land uses adjacent to the subject property include single-family dwellings built in the 1920s. Zoning to the southeast of the said property along 9th Street is C-2, General Commercial District, where there are several small businesses (electrical service building, check cashing establishment, etc.)

East - Zoning is RM -1, Residential Multifamily, Low Density. Adjacent to the subject property is a vacant lot and single-family dwellings.

West - Zoning is RM -1, Residential Multifamily, Low Density. Land use adjacent to the subject property is a small, deteriorated building and single-family dwellings.

Issues/concerns raised at the last Planning Commission meeting were whether or not the primary residential structure on the property would become nonconforming, and if nonconforming, whether the building could be expanded if the subject property were rezoned to CN, Neighborhood Commercial.

In the past, planning staff could not support a CN rezoning because it would not be appropriate for that area. While CN zoning is more neighborhood oriented, C-2 zoning exists across the street. Planning staff advised an alternative to CN zoning, with a limited C-2. The C-2 zone is between the proposed property and the centerline of 9th Street and Buena Vista Boulevard. The lot is contiguous with the C-2 zoning. The amended petition would zone only a portion of the proposed property defined by metes and bounds description. This approach may provide the petitioner with a zoning that is more consistent for the area and would maintain the residential structure in residential zoning.

The subject property is located at the intersection of three public streets: Penmar Avenue, Ninth Street, and Buena Vista Boulevard. Primary access to the subject property is Ninth Street, which is a public, two-way collector street with a posted speed limit of 35 mph. Penmar Avenue and Buena Vista Boulevard are neighborhood streets. Placing a parking space behind the building will meet the requirements of the C-2 district. In addition, off-street parking requirements would be met by locating parking within 300 feet of the subject property. The City Traffic Engineer advised that there needs to be a careful review of parking to ensure no negative impacts will occur on the surrounding area.

Although the owners of the property state that the subject building was built as a commercial structure, it appears to be a two-car garage that was converted to a commercial use many years ago. In the past, the building has been used for business purposes, however, records show that a business has not occupied the building for several years. Currently the building has restroom facilities, hot water tank, and a separate gas and electric meter.

The Southeast Action Forum, Inc., is a member of the Roanoke City Neighborhood Partnership. It is the established neighborhood organization for the area. Representatives from the neighborhood group contacted staff and advised that they have concerns for the commercial use of the building and its effect on the surrounding neighborhood. They also pointed out there were several other businesses such as a barber shop, electrical supply shop, and a check cashing facility currently located across the street from the proposed structure. Neighborhood representatives suggested that the proposed structure could be converted into a residential purpose (i.e. a loft or studio apartment). Additional concerns were parking and traffic controls at the corner of Penmar and Ninth Street.

Staff contacted representatives from the Southeast Action Forum, Inc., and discussed the issues at hand and was able to come to an agreement. The neighborhood group supports the new proffers and suggests there be no blocking of the alley located next to the proposed property. Staff recommends the city post a no parking sign next to the alley.

Vision 2001-2020, Comprehensive Plan recommends that:

- Commercial Development: Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors.
- Neighborhood as Villages: Neighborhoods will function as villages, offering opportunities to live, work, shop, play and interact in a neighborhood setting. Neighborhood-oriented commercial activity will be encouraged in well-defined village centers.

Recommendation:

By a vote of 6-0, the Planning Commission recommends approval of the request to rezone a portion of the property to C-2, General Commercial District. The petitioner has amended his initial petition to better accommodate the neighborhood area. Zoning for the proposed property will be contiguous to existing C-2 General Commercial District. The primary building on the property will continue to be residential in use.

Respectfully submitted,



Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachments

cc. Darlene L. Burcham, City Manager

Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Edward A. Natt, Attorney for the petitioner
Mark Peterson, President, SEAF
Bobby Meadows, President, Historic Belmont Preservation Association

THIRD AMENDED PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a parcel of land containing 0.0324 acre, more or less, designated as a portion of Tax Map No. 4130410, and further described as 902 Penmar Avenue, SE (West Part of Lot 7, Penmar Map), from RM-1, Residential Multi-Family Low Density District to C-2, General Commercial District, subject to certain proffered conditions.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioners, Matthew T. O'Bryan and Sally G. O'Bryan, are the owners of a parcel of land in the City of Roanoke containing 0.0324 acre, more or less, situate at 902 Penmar Avenue, SE (Tax Map No. 4130410), said tract being currently zoned RM-1, Residential Multi-Family Low Density District. A map of the property to be rezoned is attached as Exhibit "1".

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from RM-1, Residential Multi-Family Low Density District, to C-2, General Commercial District, subject to certain proffered conditions for the purpose of utilizing the existing building for uses permitted in a General Commercial District.

The Petitioners believe the rezoning of said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will enable a parcel of land located on Penmar Avenue, SE to be used for commercial purposes as other properties in the area are so utilized.

Attached as Exhibit "2" is a legal description of the portion of the subject property to be rezoned.

Attached as Exhibit "3" are the names, addresses and tax numbers of the owners or owners of all lots or property immediately adjacent to immediately across a street or road from the property

to be rezoned.

The Petitioners voluntarily submit the following proffers to be included as a part of the rezoning request:

- (a) There will be no expansion to the structure;
- (b) No alcohol will be sold on the premises;
- (c) No outside telephones will be placed on the property;
- (d) Uses of the property will be limited to the following:
 - (i) general and professional offices, excluding financial institutions;
 - (ii) general service establishments primarily engaged in the repair or maintenance of goods or items except automobiles, trucks or construction equipment, and including the provision of business and personal services and other similar uses; and
 - (iii) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment, and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- (e) Signage for the commercial use shall be limited to ten (10) square feet.

WHEREFORE, the Petitioners request that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 29 day of May, 2002.

MATTHEW T. O'BRYAN and
SALLY G. O'BRYAN

BY Edward A. Natt
OF COUNSEL

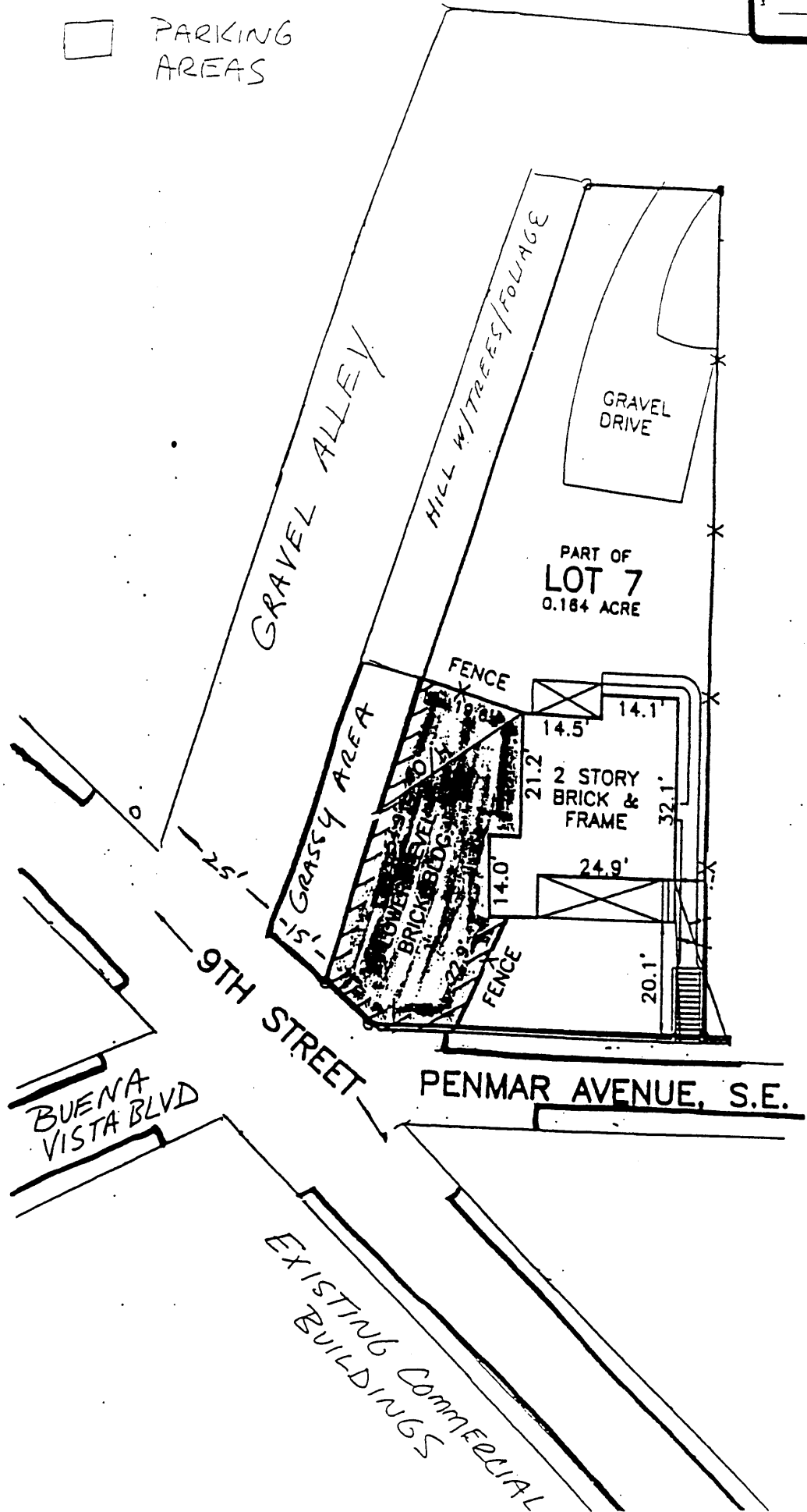
Edward A. Natt, Esq.
OSTERHOUDT, PRILLAMAN, NATT, HELSCHER,
YOST, MAXWELL & FERGUSON, P.L.C.
P. O. Box 20487
Roanoke, VA 24018-0049
Phone: (540) 725-8180
Fax: (540) 772-0126
VSB #1104

We agree to the proffers set forth herein:

Matthew T. O'Bryan
MATTHEW T. O'BRYAN
Sally G. O'Bryan
SALLY G. O'BRYAN



PARKING
AREAS



Address of Subject Property: 902 Penmar Avenue, SE
Tax Map No.: 4130410
Applicant's Name: Matthew T. and Sally G. O'Bryan
Owners: Matthew T. and Sally G. O'Bryan

REVISED LEGAL DESCRIPTION

All that certain parcel of land situate in the City of Roanoke, Virginia:

COMMENCING at a point being the southwest corner of Lot 7, Penmar Street Subdivision; said point being the intersection of Penmar Avenue, S.E., 9th Street and Buena Vista Boulevard; thence from said commencing point N. 32° 38' 40" E. 0.75 feet to the southwest corner of the brick building; said building corner being the actual point of beginning; thence along the face of the brick building the following courses: N. 47° 24' 36" E. 54.94 feet to a point; thence S. 43° 36' 59" E. 19.64 feet to a point; thence S. 30° 47' 23" W. 21.74 feet to a point; thence N. 59° 12' 37" W. 5.52 feet to a point; thence S. 29° 37' 24" W. 14.02 feet to a point; thence 59° 15' 12" W. 13.04 feet to a point; thence N. 15° 58' 00" W. 13.34 feet to the point of beginning, containing 0.0324 acre, more or less.

ADJOINING PROPERTY OWNER LISTING

Address of Subject Property: 902 Penmar Avenue, SE
Tax Map No.: 4130410
Applicant's Name: Matthew T. and Sally G. O'Bryan
Owners: Matthew T. and Sally G. O'Bryan

ADJOINING PROPERTY OWNERS

This list as follows are those property owners who own property beside, behind or across the street from the subject property noted above:

<u>Official Tax Number</u>	<u>Owner's Name and Mailing Address</u>
4130303	Ronnie Lee Wykle 1124 Ninth Street, SE Roanoke, VA 24013
4130304 4130306	Paul P. and Josephine W. Glass 915 Montrose Avenue, SE Roanoke, VA 24013
4130409	Richard A. Dearing John A. Garland P. O. Box 8224 Roanoke, VA 24014
4130501	City of Roanoke 215 Church Avenue, SW, Room 250 Roanoke, VA 24011
4140207	Robert E. and Lynn F. Zimmerman c/o Roanoke Electric Supply 912 Salem Avenue, SW Roanoke, VA 24016
4140207A	Estate of Cortisa Robertson 1129 Ninth Street, SE Roanoke, VA 24013

Official Tax Number

Owner's Name and Mailing Address

4140301

Myrtle D. Cundiff
675 Morrill Avenue, SE
Roanoke, VA 24013

4140501

Patrick E. Lynch
1207 Ninth Street, SE
Roanoke, VA 24013

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 413, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Sally G. and Matthew T. O'Bryan have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-1, Residential Multi-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on June 17, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 413 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

A portion of the property at 902 Penmar Avenue, S.E., being a 0.0324 acre portion, more or less, of Official Tax No. 4130410, and designated on Sheet No. 413 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RM-1, Residential Multi-Family District, Low Density District, to C-2, General Commercial District, subject to the proffers contained in the Third Amended Petition filed in the Office of the City Clerk on May 30, 2002, and that Sheet No. 413 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

A. 4.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Robert Evan, LLC, represented by Edward A. Natt, attorney, that a portion of Hite Street, S.W., extending from the southerly end of the existing cul-de-sac on Hite Street, S.W., in a southerly direction for approximately 371.06 feet, more or less, to the northerly line of the right-of-way of U.S. Route 220 be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on May 16, 2002. By a vote of 5-0-1 (Mr. Campbell absent, Mr. Butler abstaining), the Commission recommended approval of the requested closure.

Background:

Hite Street has an existing cul-de-sac that has been dedicated to the City. The petitioner seeks the vacation of the remaining portion of Hite Street between the cul-de-sac and the street's southernmost limit where it abuts U.S. Route 220.

The Petitioner's original petition incorrectly stated the length of the right-of-way to be vacated as 371.06 feet. An amended petition was subsequently filed with a metes and bounds description and a map showing the length of the portion of right-of-way as 315.9 feet at its longest point.

The Planning Commission raised no questions with the Petitioner's attorney or Staff regarding the implications of vacating the portion of right-of-way. Mr. Rife

commented that it currently is being used for parking, to which the Petitioner replied that it was not and the site was vacant.

Mr. Rife also asked staff why the staff report recommendation to vacate the portion of right-of-way also included a recommendation not to sell the subject property, as is City Council's right. Staff replied that this issue had been discussed by staff with the City Attorney's office, the City Engineer, the Director of Real Estate Valuation, and the Assistant City Manager. Staff further explained that due to the lack of consensus on the issue of establishing a guideline to determine the circumstances by which right-of-way and/or alley should be sold when vacated, staff at this time has chosen not to draft an ordinance or any written guidelines pertaining to such. The disincentive of sale of such right-of-way and/or alley and the implications of establishing a precedent thereof, were also given by staff as additional reasons for the recommendation not to sell this portion of right-of-way.

This matter was clarified subsequent to the Planning Commission hearing by the City Attorney. He advised staff that the former Water Resources Committee decided that staff should make a recommendation in each report on the sale of right-of-way and alleys on a case-by-case basis. In all future reports staff will include a recommendation for or against the sale of right-of-way and alleys.

While staff recommended that the Petitioner not be required to purchase the portion of right-of-way, staff advised that City Council maintains the right to sell the portion of right-of-way. Mr. Manetta inquired of the City Attorney whether the Planning Commission has the legal authority to recommend the sale of right-of-way or alley. The City Attorney advised the Planning Commission that it does have the authority to recommend the sale of such property.

Mr. Manetta commented to staff and the City Attorney that this issue needs to be addressed since such properties were valuable when combined with adjoining parcels, and that the City should in some cases sell them. Mr. Manetta requested that staff make recommendations in the future as to whether such properties should be sold by City Council.

Considerations:

The parcels adjoining the portion of right-of-way are zoned C-2, General Commercial District. To the north the area is zoned RM-2, Residential Multifamily, Medium Density District.

The petitioner's property lies to the west of the portion of right-of-way and is presently vacant. To the east is a nursing home, which is bordered by vacant land to the south.

The area is served by City sewer and water. Staff received comments from American Electric Power (AEP), Roanoke Gas Company and Verizon. The latter stated

no objections to the petitioner's request. Both AEP and Roanoke Gas advised they have facilities in the area and would need to maintain easements. In addition, a sanitary sewer easement must be maintained.

The cul-de-sac and Route 220 effectively render the portion of right-of-way useless, as it cannot connect to any other right-of-way improvements.

Vision 2001-2020 recommends that the City's roads have connectivity between them, and that the development of cul-de-sacs should be avoided. However, connectivity is limited at Hite Street's southern end by Route 220.

City Council is authorized to sell this vacated portion of the right-of-way, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation. Under such an arrangement, the price may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. Real Estate Valuation quoted the valuation range for this 14,601 square foot portion of Hite Street as \$7,600 - \$8,800, based on a rate of \$1.30 - \$1.50 per square foot less 60% for utility easements.

Recommendation:

By a vote of 5-0-1 (Mr. Campbell absent, Mr. Butler abstaining), the Planning Commission recommended approval of the requested closure contingent upon the items listed below. The portion of right-of-way in question has no utilitarian value to the City. The Planning Commission does not recommend sale of the portion of right-of-way.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is written in a cursive style with a small flourish at the end.

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachments

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Ed Natt, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:)	
)	<u>SECOND AMENDED</u>
Application of ROBERT EVAN, L.L.C. for)	<u>APPLICATION FOR VACATING,</u>
vacation of that portion of Hite Street extending)	<u>DISCONTINUING AND CLOSING</u>
from the southerly end of the existing cul de sac)	<u>OF STREET</u>
in a southerly direction to the northerly line of the)	
Right-of-Way of U.S. Route 220)	

ROBERT EVAN, L.L.C. applies to have that portion of Hite Street extending from the southerly end of the existing cul de sac in a southerly direction to the northerly line of the Right-of-Way of U.S. Route 220, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This street is more particularly described on the map attached and as follows:

That portion of Hite Street described as follows:

Beginning at a point on the northerly right-of-way of U. S. Route 220 entrance ramp at the southeasterly corner of the property of Robert Evan, LLC; thence with the westerly line of Hite Street N. 27° 42' 50" W. 268.24 feet to a point; thence crossing Hite Street N. 62° 17' 28" E. 50 feet to a point; thence with the easterly line of Hite Street S. 27° 42' 50" E. 315.90 feet to the northerly right-of-way line of U. S. Route 220; thence with the same N. 73° 03' 55" E. 69.06 feet to the point and place of beginning, and containing 0.3352 acre.

The grounds for the application are as follows:

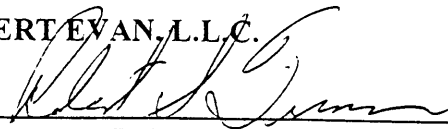
Hite Street, from the end of the existing cul de sac to the right-of-way of U.S. Route 220 serves no properties other than the property of the Petitioner and that of South Roanoke Nursing Home, Inc. Each of said parties is in agreement for the vacation of this undeveloped street. No additional properties can be served off of this street since the development of U.S. Route 220.

WHEREFORE, ROBERT EVAN, L.L.C. respectfully requests that the above-described street be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

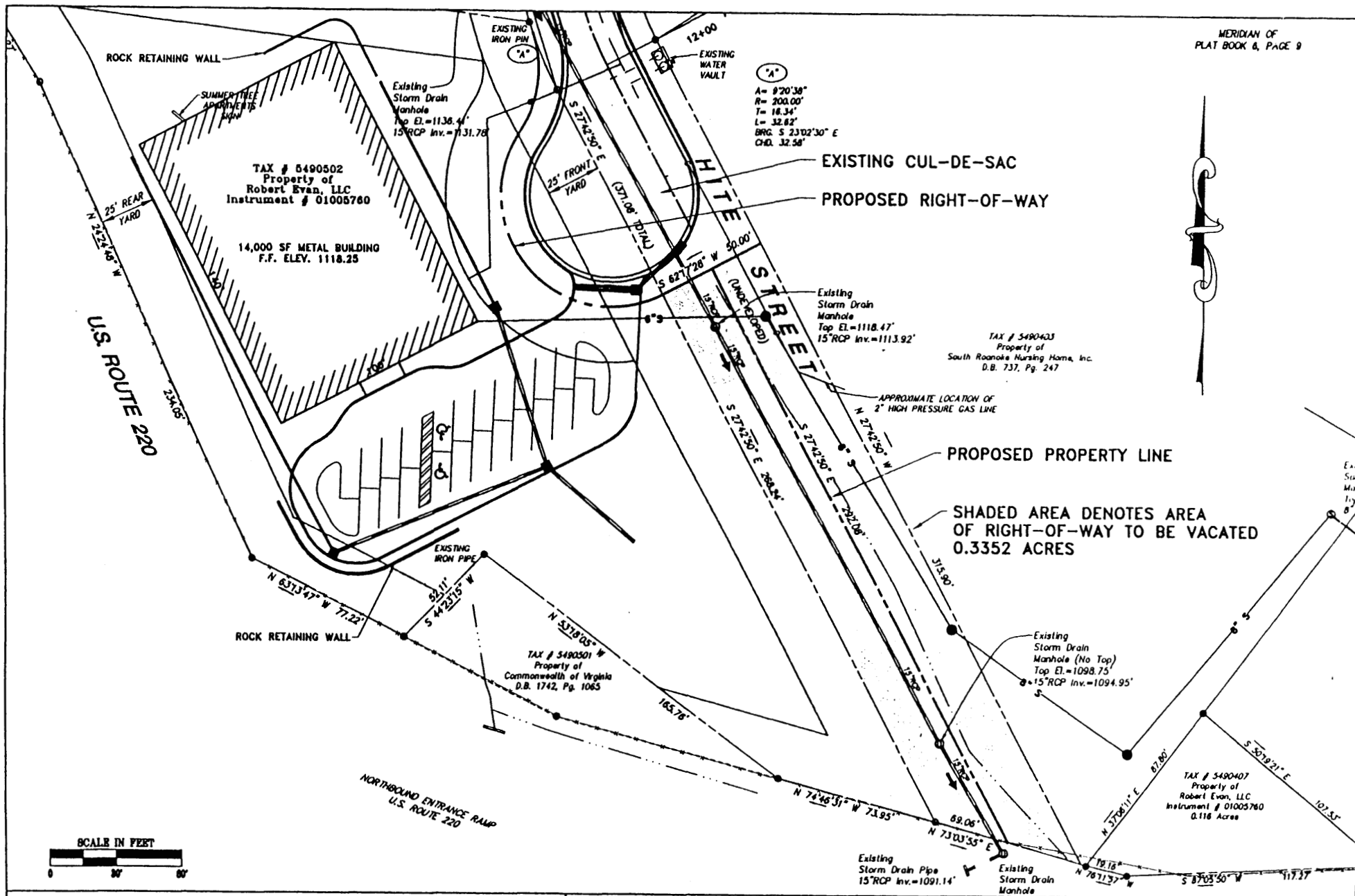
ROBERT EVAN, L.L.C.

BY


Robert S. Freeman, Member

CONTACT:

Edward A. Natt, Esq.
3912 Electric Road
Roanoke, VA 24018
Phone: (540) 725-8180
Fax: (540) 772-0126



L. A. GATES COMPANY

ENGINEERS AND CONSULTANTS

306 MARKET STREET, SE

ROANOKE, VIRGINIA 24011

(540)342-8423 - FAX (540)342-8425

BECKLEY, WV CHARLESTON, WV ROANOKE, VA

ROBERT EVAN, L.L.C.

SUITE 200

3214 ELECTRIC ROAD, S.W.

ROANOKE, VIRGINIA 24018

ROBERT EVAN, L.L.C. - TAX #5490502

**VACATED RIGHT-OF-WAY
HITE STREET**

CITY OF ROANOKE, VIRGINIA

DRAWN	CHECKED	DESIGNED	DATE	PROJECT ID NO	SHEET
DSG		DSG	MAY, 2002		1

SCALE: 1"=60'

SS
6/2/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Robert Evan, LLC, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on June 17, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

Beginning at a point on the northerly right-of-way of U.S. Route 220 entrance ramp at the southeasterly corner of the property of Robert Evan, LLC; thence with the westerly line of Hite Street N. 27° 42' 50" W. 268.24 feet to a point; thence crossing Hite Street N. 62° 17' 28" E. 50 feet to a point; thence with the easterly line of Hite Street S. 27° 42' 50" E. 315.90 feet to the northerly right-of-way line of U.S. Route 220; thence with the same N. 73° 03' 55" E. 69.06 feet to the point and place of beginning, and containing 0.3352 acre

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent

removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to Section 36.1-650, Continued; composition; appointment and terms of members, etc., and subsection (a) of 36.1-653, Exercise of powers; generally; administration of oath and compelling attendance of witnesses, of Division 3, Board of Zoning Appeals, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary for the Board to act.

Planning Commission Action:

Planning Commission public hearing was held on May 16, 2002. By a vote of 6-0 (Mr. Campbell absent), the Commission recommended approval of the proposed amendment.

Background:

The Planning Commission authorized the filing of the petition to consider proposed amendments to Section 36.1-650 and Section 36.1-653 of the Code of the City of Roanoke (1979), as amended, on April 18, 2002, by a vote of 6-0 (Mr. Hill absent).

The attached proposed amendments to the Zoning ordinance are authorized by a recent amendment to the City of Roanoke charter, granting the City certain authority by the Virginia General Assembly, effective July 1, 2002.

The proposed amendments provide for the appointment of seven (7) members to the Roanoke City Board of Zoning Appeals and increase the number of concurring votes necessary for the Board to take action to four (4). The current zoning ordinance provides for the appointment of five (5) members and requires only three (3) members of the Board to concur for the Board to take action on any matter.

Planning Commission public hearing was held on May 16, 2002. There was no one present to speak in opposition to or in favor of the proposed amendment. Staff recommended approval of amendment.

Recommendation:

By a vote of 6-0 (Mr. Campbell absent) the Planning Commission recommend that City Council amend the zoning ordinance in accordance with attached measure.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert B. Manetta". The signature is written in a cursive style with a small mark at the end of the last name.

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachment

cc: Darlene Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William Hackworth, City Attorney
Steven Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-650, Continued; composition; appointment and terms of members, etc., and subsection (a) of 36.1-653, Exercise of powers general; administration of oath and compelling attendance of witnesses, of Division 3, Board of Zoning Appeals, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary to take action; and dispensing with the second reading of this ordinance by title.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-650, Continued; composition; appointment and terms of members, etc., of Division 3, Board of Zoning Appeals, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§36.1-650. Continued; composition; appointment and terms of members, etc.

The board of zoning appeals, heretofore established by the council pursuant to the provisions of section 62 of the Charter, is continued, and the seven (7) members thereof shall hold office until the expiration of the term for which they were appointed. Thereafter terms of office shall be for three (3) years each and members shall be appointed by the council. The city clerk shall notify the city council, at least thirty (30) days in advance, of the expiration of any term of office, and shall also notify the city council promptly if any

vacancy occurs. Appointments to fill vacancies shall be for the unexpired term of the member whose term becomes vacant. Members of the board shall hold no elected public office.

2. Section 36.1-653, Exercise of powers generally; administration of oath and compelling attendance of witnesses, of Division 3, Board of Zoning Appeals, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§36.1-653. Exercise of powers generally; administration of oath and compelling attendance of witnesses.

(a) In exercising the powers mentioned in this article, the board of zoning appeals may in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass pursuant to this chapter or to effect any variation of this chapter.

* * *

3. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

A.6.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from the City Planning Commission to amend Sections 36.1-25, Definitions, 36.1-206, Permitted uses, C-2, General Commercial District, 36.1-249, Permitted uses, LM, Light Manufacturing District, 36.1-250, Special exception uses, LM, Light Manufacturing District, 36.1-270, Permitted uses, HM, Heavy Manufacturing District, and 36.1-271, Special exception uses, HM, Heavy Manufacturing District, of the Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in those zoning districts.

Planning Commission Action:

Planning Commission public hearing was held on May 16, 2002. The Planning Commission, by a vote of 6-0 (Mr. Campbell absent) recommended approval of the proposed amendments.

Background:

"Tow truck operations" are permitted in the City's LM, Light Manufacturing District, and HM, Heavy Manufacturing District, by special exception issued by the Board of Zoning Appeals.

The existing definition of a "tow truck operation" is not effective in enforcing the code with respect to the salvaging and continuous outdoor storage of inoperable motor vehicles. This enforcement matter was the subject of a recent court decision. The

proposed ordinance amendments will not have any retroactive application and will not impact existing business, which will be "grandfathered."

The proposed amendments (attached) more clearly define towing operations by providing two new classifications: "towing service" and "wrecker service." These classifications include specific activities permitted with respect to towing and disposition of inoperable motor vehicles. In addition to providing recovery, removal, and storage activities for inoperable or damaged motor vehicles, a wrecker service includes the dismantling, demolition, repair, salvage, or sale of inoperable or damaged motor vehicles or parts; a towing service does not include those activities. It is proposed that "towing services" be permitted by right in C-2 and LM districts; and that "wrecker services" be permitted by special exception in the LM and HM districts. Under the proposed amendments, inoperable vehicles must be screened from view for both a towing or wrecker service and such vehicles can be stored on a property for no longer than ninety calendar days, except for certain circumstances set forth in the proposed amendment. (This storage period was increased from 45 days in the existing ordinance.) Finally, salvage operations associated with wrecker services must be stored within a wholly enclosed building.

Public discussions regarding changes to the definition of a "tow truck operation" have occurred since August, 2001. The Ordinance and Names Committee met several times last year to discuss the proposed zoning amendments. In November, 2001, the Planning Commission held a public hearing to consider proposed amendments and acted favorably on changes to the definition, recommending approval to City Council. (The proposed change at that time defined a tow truck operation as an establishment engaged in the towing and storage for no more than ninety (90) business days, of damaged or inoperable vehicles. The definition included a provision that a tow truck operation shall not include the salvaging, scrapping, dismantling, demolition, or sale of inoperable or abandoned motor vehicles, motor vehicle parts or other scrap metals or materials.) There was no opposition expressed at the public hearing; however, prior to the scheduled City Council meeting on December 13, 2001, opposition from local towing contractors associated with the City's Towing Advisory Board resulted in the Chairman of the Planning Commission requesting that the matter be referred back for further study and discussion. (The Towing Advisory Board was established in June, 2000 to provide a forum for discussion on City towing services and policies. The Board routinely works with the Police Department on matters relating to towing vehicles from the public right-of-way and public property.)

Staff met with the Council-appointed Towing Advisory Board on January 16 and February 20, 2002, to discuss the amendment and understand concerns. The proposed amendments were revised to incorporate most concerns of Board members. Generally, members expressed a need to have more flexibility in where general towing operations could be located. Also, members identified various issues and time constraints related to inoperable vehicles (i.e., police investigations may require retaining certain vehicles, sale of unclaimed vehicles require

compliance with VDOT regulations, etc.). City staff researched issues and time constraints with VDOT and the police department and revised proposed amendments accordingly to address these concerns. Towing services are currently permitted only in the LM district by special exception; the proposed amendments provide for towing services in the C-2 and LM districts by right with wrecker services only in the LM and HM districts by special exception.

Final draft amendments were sent to the Advisory Board members, local towing contractors, and neighborhood leaders and comments requested by March 22, 2002. No comments were received by the deadline date.

At the April 18, 2002, Planning Commission meeting, several members of the towing community were present and expressed concerns that the proposed ordinance amendment did not properly address the nature of their businesses and how their businesses operate and that therefore, the proposed amendment would not work. The spokesperson for the group formally requested the Planning Commission to table the matter until further discussion and work with City staff could be accomplished so that the proposed ordinance amendment would be amenable to both the City and the towing community.

On May 1, 2002, staff met with members of the Council-appointed Towing Advisory Board and local towing contractors to address their concerns with the proposed ordinance amendment. There were not enough members of the Towing Advisory Board present to conduct business; however, considerable discussion took place regarding the contents of the proposed ordinance amendment, specifically, the 90 day time period allotted for the storage of inoperable vehicles, the contention that the ordinance does not reflect the reality of the towing industry, and the towing community needed to further understand why and what the City is trying to accomplish with the proposed ordinance amendment.

The group present agreed to call a special meeting of the Council-appointed Towing Advisory Board and the local tow contractors and to invite certain City staff to participate in the meeting held on May 13, 2002, at 7:00 p.m. in the Roanoke City Police Department Community Room. The purpose of this special call meeting was to formally discuss the proposed amendment with City legal staff and for the Towing Advisory Board to vote on the matter in order to make a recommendation to the Planning Commission and City Council.

Ms. Evelyn Dorsey, Zoning Administrator, reviewed the proposed ordinance amendments and explained to the Commission why the revisions were needed. Ms. Dorsey then summarized the numerous meetings staff had held with the Council appointed Towing Advisory Board, since August of 2001 to as recent as the past Monday night, May 13, 2002, and specifically pointed out some of the elements in the proposed ordinance amendments, which resulted from those meetings.

Mr. Robert Young, of Robert Young's Towing, and also a member of the Council appointed Towing Advisory Board, appeared before the Commission and stated that the proposed ordinance amendments had in fact, "come a long way from where the group started," however, he felt there was "still more work that needed to be done." He further stated that he would not comment on the proposed amendments being discussed and that the group's discussion would take place at City Council. There being no other persons present to speak on the issue and no further discussion by the Commission, the Commission voted unanimously to recommend to City Council the approved of the proposed ordinance amendments as presented.

Recommendation:

By a vote of 6-0 (Mr. Campbell absent), the Commission recommended approval of the proposed amendments to the zoning ordinance, as set forth in the attached ordinance. These amendments will further define, clarify and distinguish, for regulation and code enforcement purposes, tow truck operations and will promote the public welfare and safety relative to these land uses.

Respectfully submitted,



Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachment

cc: Darlene L. Burcham, City Manager
Rolanda A. Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

5/1
5/2/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-25, Definitions, by deleting the definition of tow truck operation and adding the definitions of towing services and wrecker services; §36.1-206, Permitted uses, C-2, General Commercial District; §36.1-249, Permitted uses, LM, Light Manufacturing District; §36.1-250, Special exception uses, LM, Light Manufacturing District; §36.1-270, Permitted uses, HM, Heavy Manufacturing District; and §36.1-271, Special exception uses, HM, Heavy Manufacturing District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in those zoning districts; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-25, Definitions, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Towing service: An establishment whose activities include the recovery, removal and temporary storage of inoperable or damaged motor vehicles, but

does not include the dismantling, demolition, repair, or salvage of such motor vehicles, or any part of such motor vehicles.

~~Tow truck operation: an establishment exclusively engaged in the towing and storage, for no more than forty five (45) business days, of damaged or inoperable vehicles.~~

* * *

Wrecker service: An establishment whose activities include the recovery, removal and temporary storage of inoperable or damaged motor vehicles for dismantling, demolition, repair, salvage, or sale of such inoperable or damaged motor vehicles, or part of such motor vehicles, but do not include the sale of gasoline.

* * *

2. Section 26.1-206, Permitted uses, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2 district:

* * *

(49) Towing services, provided that:

(a) The lot area contains a minimum of twenty thousand (20,000) square feet;

(b) There shall be no outdoor storage of any damaged or inoperable motor vehicles for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperable motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

(c) The storage area for any damaged or inoperable motor vehicles shall be screened from view from adjacent properties and public streets.

* * *

3. Section 36.1-249, Permitted uses, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Section 36.1-249. Permitted uses.

The following uses shall be permitted as principal uses in the LM district:

* * *

(28) Towing services, provided that:

(a) The lot area contains a minimum of twenty thousand (20,000) square feet;

(b) There shall be no outdoor storage of any damaged or inoperable motor vehicles for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperable motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

(c) The storage area for any damaged or inoperable motor vehicles shall be screened from view from adjacent properties and public streets.

* * *

4. Section 36.1-250, Special exception uses, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 36.1-250. Special exception uses.

The following uses may be permitted in the LM district by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

(6) Wrecker services, provided that:

(a) The lot area contains a minimum of twenty thousand (20,000) square feet;

(b) There shall be no storage of a damaged or inoperable motor vehicle outside a wholly enclosed building for more than one hundred twenty (120) calendar days, unless documentation satisfactory to the Zoning Administrator is provided that such a damaged or inoperable motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the wrecker service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

(c) The storage area for any damaged or inoperable motor vehicle shall be screened from view from adjacent properties and public streets; and

(d) Notwithstanding subsection (b), any parts removed from a damaged or inoperable motor vehicle shall be stored within a wholly enclosed building.

* * *

5. Section 36.1-270, Permitted uses, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Section 36.1-270. Permitted uses.

The following uses shall be permitted as principal uses in the HM district:

* * *

(12) Towing services, provided that:

(a) The lot area contains a minimum of twenty thousand (20,000) square feet;

(b) There shall be no outdoor storage of any damaged or inoperable motor vehicles for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperable motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

(c) The storage area for any damaged or inoperable motor vehicles shall be screened from view from adjacent properties and public streets.

* * *

6. Section 36.1-271, Special exception uses, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Section 36.1-271. Special exception uses.

The following uses may be permitted in the HM district by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

(5) Wrecker services, provided that:

(a) The lot area contains a minimum of twenty thousand (20,000) square feet;

(b) There shall be no storage of a damaged or inoperable motor vehicle outside a wholly enclosed building for more than one hundred twenty (120) calendar days, unless documentation satisfactory to the Zoning Administrator is provided that such damaged or inoperable motor vehicle is the subject of an on-going law enforcement or insurance investigation

or is the subject of a proceeding being pursued as expeditiously as possible by the wrecker service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

(c) The storage area for any damaged or inoperable motor vehicle shall be screened from view from adjacent properties and public streets; and

(d) Notwithstanding subsection (b), any parts removed from damaged or inoperable motor vehicles shall be stored within a wholly enclosed building.

* * *

7. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



June 17, 2002

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Public Hearing to Consider Continuing
Lease of City Owned Property

Background:

The City of Roanoke currently leases 3,000 square feet of retail space to Orvis Roanoke, Inc. The current lease agreement of the property located at 11 Campbell Avenue SE, commonly known as the Market Square Parking Garage, expires August 31, 2002. Orvis Roanoke, Inc has expressed interest in continuing the lease of this space beyond the current term. To continue the lease of this property, a new lease agreement is required.

Currently, Orvis pays \$876.81 per month (\$10,521.72 per year) base rent. The current agreement also requires Orvis to pay an additional rent amount based on a percentage of gross sales generated from the leased premises. The amount paid for the current fiscal year was \$11,390.00. Total rents paid for fiscal year 2002 equal \$21,911.72.

Considerations:

The negotiations for a new agreement include a start date of September 1, 2002, with a term of five years.

Also, the rent for the new agreement will increase to \$900.00 per month (\$10,800 per year), plus an annual increase based on the Consumer Price Index. In addition to the base fee for rent, the Orvis will pay an additional amount based on sales. Orvis shall pay one percent (1%) of the first \$500,000 in gross revenue from sales made from the leased premises each year, three percent (3%) of the gross revenue of \$500,000 to \$1,000,000, and four percent (4%) of the gross revenue over \$1,000,000, which sum shall be payable within sixty (60) days of the end of each calendar year.

Mayor Smith and Members of Council
Page 2
June 17, 2002

Recommended Action:

Following the public hearing, authorize the City Manager to offer and execute a new lease agreement between the City of Roanoke and Orvis Roanoke, Inc. for a term of five years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham
City Manager

DLB:slm

c: Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Elizabeth A. Neu, Director of Economic Development
Dana Long, Chief of Billings and Collections

CM02-00137

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered in duplicate on this 1st day of September, 2002, by and between CITY OF ROANOKE, VIRGINIA, a municipal corporation organized under the laws of the Commonwealth of Virginia, hereinafter referred to as "Lessor", and ORVIS ROANOKE, INC., a Virginia corporation, hereinafter referred to as "Lessee";

WHEREAS, the Lessor owns certain property in Roanoke, Virginia, commonly referred to as the Market Square Parking Garage, "hereinafter referred to as the "Garage" located on Campbell Avenue in the downtown area of the City.

WHEREAS, the Lessee desires to lease approximately 3,000 square feet of retail space for the purpose of selling clothing and other items and products.

THEREFORE, IN CONSIDERATION of the recitals and mutual covenants contained herein, the parties hereto agree as follows:

1. Leased Premises. Lessor hereby leases to Lessee, subject to and upon the terms and conditions hereinafter set forth, those certain premises in the Garage consisting of approximately 3,000 square feet of retail space and the separate storage space described as follows:

Hereinafter referred to as "Leased Premises" and identified as such on the drawing labeled Center in the Square 1 which is attached to and made a part of this Lease Agreement as Exhibit "A".

The Lessor agrees to provide to the Lessee during the term of this Lease and any renewal term two (2) parking permits in the Garage at the Lessor's market rate.

The Lessee agrees to operate a showcase window adjacent to the Leased Premises at the Atrium Lobby level and fronting on the Atrium Lobby for use by the Lessee for

displays of merchandise subject to the written consent of the Western Virginia Foundation for the Arts and Sciences.

2. Lessor's Warranties. Lessor represents and warrants that:

A. Lessor is the sole owner in fee simple of the Leased Premises and has full right and power to grant the estate demised and to execute and perform this Lease;

B. The Leased Premises is now and will remain free and clear of all encumbrances created by Lessor which could adversely affect Lessee's leasehold estate;

C. As of the date of execution of this Lease Agreement, the intended use of the Leased Premises for purposes stated herein is permitted by all applicable zoning laws and regulations; and

D. As of the date of execution of the Lease Agreement, to the best of Lessor's knowledge, the Leased Premises complies with all applicable ordinances, regulations and zoning and other laws, and the use of the Leased Premises for the retail sale of merchandise is a permitted use

3. Term of Lease. Lessee shall have and hold the Leased Premises for an initial term of five (5) years commencing at 12:01 a.m. September 1, 2002.

4. Rent. For the initial five-year term of this Lease Agreement, Lessee shall pay to the Lessor, at the Lessor's Office of Billings and Collections, as rent, for the use of the Leased Premises the sum of \$900.00 per month (\$10,800.00 per year), payable monthly in advance, plus one percent (1%) of the first \$500,000 in gross revenue from sales made from the Leased Premises each year, three percent (3%) of the gross revenue of \$500,000 to \$1,000,000, and four percent (4%) of the gross revenue over \$1,000,000, which sum shall be payable within sixty (60) days of the end of each calendar year.

The monthly rate will be adjusted each subsequent September 1 for COL increases based on the increase of the current year's July's Bureau of Labor Statistics rate over the same period for the prior year. The Index that will be used in the determination is Urban Wage Earners and Clerical Workers with 1982-84=100, all items.

There shall be excluded from gross revenue any sales tax or other similar tax, uncollected funds, sales to employees and any catalog sales.

Lessor shall have the reasonable right to inspect Lessee's financial records to the extent necessary to verify the amount of Lessee's yearly gross receipts from sales on the Leased Premises.

5. Use of Premises. Lessee hereby agrees that the Leased Premises will be used for the retail sale of clothing and other items and products and for operations in conjunction with its catalogue sales operation, and that the Leased Premises shall not be put to any other use without the prior written consent of Lessor.

6. Maintenance. Lessor, at its sole costs and expense, will service and maintain the structural foundation of the walls, exterior canopies, exterior lighting, utility and service lines and roof of the Leased Premises and shall replace any HVAC equipment which requires replacement.

Lessee, at its sole cost and expense, will service and maintain the Leased Premises in good repair, condition and appearance during the term of this Lease, ordinary wear and tear excepted, and Lessee will make all non-structural changes of every kind or nature which may be required to be made for any reason in connection with Lessee's use of the Leased Premises.

Lessee shall keep in good running order electric wiring, toilets, water pipes, water, gas and electric fixtures; replace all locks, trimmings, glass and plate glass broken during

the tenancy, and unstop all water fixtures that may become choked. If there be any elevators, escalators, lifts, machinery or appliances (herein called "equipment") on the Leased Premises, Lessee shall care for, maintain, and repair same, and shall indemnify and save harmless Lessor from any liability or claims for damages for injuries to persons and property arising therefrom, unless due to Lessor's negligence. Lessee shall not make any alterations of, additions to or changes in the Leased Premises or equipment without the prior written consent of Lessor, which consent shall not be unreasonably withheld. Lessee further covenants and agrees that all signage and the general appearance of the Leased Premises shall be subject to the prior approval of the Lessor, which approval shall not be unreasonably withheld. Lessee shall remove any signage or other materials which negatively affect the general appearance of the Leased Premises in the sole and exclusive discretion of Lessor. All permanent alterations, changes, and improvements, by whomsoever made, shall be the property of Lessor. Nothing contained in this paragraph shall be construed as requiring Lessor to make any repairs, except repairs of a structural nature, and as specified earlier in this paragraph.

8. Inspection. Lessee shall permit Lessor or its authorized agents to enter the Leased Premises for the purpose of inspection of any reasonable time or times and upon reasonable notice during the term of this Lease provided, however, that such inspections shall not unreasonably interfere with Lessee's use and occupancy of the Leased Premises.

9. Utilities. Lessee shall promptly pay all fuel, water, gas, sewage, electricity, lighting, and other bills as the same may become due, it being understood and agreed that the Lessee shall promptly make all required deposits for meters and utilities services. The Lessor agrees to install separate meters for all utilities which are Lessee's responsibility.

10. Insurance and Indemnification. Lessee agrees to pay and to protect, indemnify and save harmless Lessor from any and all liabilities, damages, costs, expenses, including, without limitation, reasonable attorneys' fees, causes of action, suits, claims, demands, or judgments of any nature whatsoever arising from injury to or death of persons or damages to property resulting from Lessee's use of the Leased Premises caused by any act or omission of Lessee.

Lessee shall, at its cost and expense, obtain and maintain during the term of this Lease comprehensive general liability insurance with companies of recognized standing, including protection against bodily injury or death liability and property damage liability, providing no less than \$1,000,000.00 combined single limit of liability per occurrence, which policies shall name Lessor as an additional insured. The Lessee shall furnish Lessor with a certificate or certificates showing the type, amount, effective dates and date of expiration of the required insurance policy or policies prior to and for the duration of the occupancy of the Leased Premises. The certificate shall contain substantially the following statement "The insurance covered by this certificate shall not be cancelled or materially altered, except after thirty (30) days written notice has been received by the City of Roanoke."

11. Destruction of Premises. Lessee shall be responsible for insuring all personal property, equipment, and trade fixtures, and Lessee shall hold Lessor harmless for said items, if destroyed or damaged by fire or otherwise, unless caused by Lessor's negligence.

Lessor shall be responsible for and shall maintain fire and extended coverage insurance on the Garage and the structural portions of the Leased Premises and the Basic Improvements paid for by the City at replacement cost in reputable insurance companies.

If the Leased Premises are damaged or destroyed in whole or in part by fire or other casualty and the same can be repaired or restored within one hundred twenty (120) days

from the date of the damage, Lessor shall repair the Leased Premises and the Basic Improvements within the said period and, in that event, there shall be a proportional abatement of rent to the extent Lessee is unable to conduct its business in a normal manner while Lessor repairs the Leased Premises.

In the event the Leased Premises are damaged and destroyed and cannot be repaired or restored within one hundred twenty (120) days from the date of the damage, either Lessor or Lessee may terminate this Lease by giving written notice to the other within thirty (30) days after the damage occurs, in which event this Lease shall terminate, and rent shall abate in total from the date of such damage or destruction. If neither party elects to terminate this Lease, Lessor shall proceed with due diligence to repair and restore the Leased Premises and the rent shall abate in proportion to the extent Lessee is unable to conduct its business in a normal manner from the date of such damage or destruction.

12. Eminent domain. Eminent domain proceedings resulting in the condemnation of part of the Leased Premises that leave the rest usable by Lessee for the purposes of the business for which the Leased Premises are leased will not terminate this Lease, unless Lessee at its option terminates it by giving written notice of termination to the other party. The effect of such condemnation, should such option not be exercised, will be to terminate the Lease as to the portion of the Leased Premises condemned and leave it in effect as to the remainder of the Leased Premises, and the rent and utilities and charges fee provided for herein shall be adjusted accordingly. Compensation awarded as a result of such condemnation shall be that of Lessor, except to the extent that part of the award is allocated and specifically identified as damages for the value of Lessee's leasehold estate, its trade fixtures or to relocation costs. Lessor agrees not to use its power of eminent domain to take all or any portion of the Leased Premises.

13. Assignment. Lessee shall not assign or transfer this Lease in whole or in part, sublet or license the Leased Premises or any part thereof without the prior written consent of Lessor, which consent shall not be unreasonably withheld, except that that Lessee shall have the right without Lessor's consent to sublease or assign the Leased Premises or any part thereof to a parent, subsidiary, or affiliate of Lessee to be used for the purposes set out in Paragraph 5 above. If consent to assign or sublease is given, no such assignment or sublease shall in any way release or relieve Lessee from any of its covenants or undertakings contained in this Lease, and Lessee shall remain liable on this Lease during the term thereof.

14. Force Majeure. The obligations of the parties hereunder shall be subject to force majeure (which shall include lawful strikes, riots, floods, accidents, Acts of God, and other causes or circumstances beyond the control of the party claiming such force majeure as an excuse) for nonperformance of such obligations.

15. Default. It is understood and agreed by and between the Lessor and the Lessee that if default be made in timely payment of rent set out in Paragraph 4, above, or any part thereof, or in the event of breach by Lessor or Lessee of any of the covenants and agreements herein contained, the aggrieved party may serve a written sixty (60) day notice of default, specifying such default, on the breaching party. If such default is not remedied within said sixty (60) days, this Lease Agreement shall automatically end and expire; provided, however, if the default involves the failure of Lessor to perform its maintenance obligations under Paragraph 6 and the failure impairs Lessee's business operations, Lessor shall have a reasonable period of time to cure not to exceed seven (7) days.

16. Taxes and Assessments. Lessee agrees that it will be responsible for the payment of any leasehold taxes or other legal taxes, charges or assessments imposed by virtue of its occupancy of the Leased Premises.

17. Compliance with Laws. Lessee agrees to conform to and not to violate laws, ordinances, rules, regulations, and requirements of federal, state, county, municipal, or other governmental authorities and the various departments thereof now existing or hereinafter created affecting Lessee's use and occupancy of the Leased Premises.

18. Lessee's Obligation to Quit Premises. Lessee shall, upon the expiration or termination of this Lease, peaceably quit and deliver to Lessor possession of the Leased Premises in the same condition as of the date of commencement, normal wear and tear and damage caused by fire or natural disaster excepted, and shall promptly clean up and remove all personal property and non-fixtured items on the Leased Premises.

19. Fixtures. All fixtures, equipment, improvements, and appurtenances permanently vacated to or built into the Leased Premises, whether or not by or at the expense of Lessee, and any personal property of the Lessor or installed by Lessor in the Leased Premises shall be and remain a part of the Leased Premises and shall be deemed property of the Lessor and shall not be removed by Lessee.

All movable partitions, other business and trade fixtures, furnishings, furniture, machinery and equipment, communications equipment, and other personal property located in the Leased Premises and acquired by or for the account of Lessee without expenses to Lessor may be removed by Lessee at any time during the term hereof, provided that Lessee shall repair any damage to the Leased Premises resulting from such removal to the reasonable satisfaction of Lessor.

20. Peaceful Enjoyment. Lessor covenants and agrees that if and so long as Lessee shall pay the rent called for under this Lease as the same shall become due and shall keep all the covenants and agreements required by it to be kept during the Lease and shall perform all its other obligations hereunder. Lessee shall have the peaceful and quiet occupation and enjoyment of the Leased Premises.

21. Notices. Notices given under the terms of this Lease shall be deemed properly served if such notice is mailed by Certified United States Mail, Return Receipt Requested; if to Lessor addressed to City Manager, City of Roanoke, Room 364 Municipal Building, 215 Church Avenue, S. W., Roanoke, Virginia 24011; and if to Lessee addressed to Orvis Roanoke, Inc., P. O. Box 12000, Roanoke, Virginia 24022-8008, with a copy to The Orvis Company, Manchester, Vermont 05254. Notice mailed in accordance with the provisions hereof shall be deemed to have been given as of the date of receipt or the third business day following the date of such mailing, whichever date is earlier.

22. Covenants and Conditions. Each provision of this Lease shall be deemed to be both a covenant and a condition running with the land unless otherwise provided.

23. Conveyances. If Lessor sells, conveys or passes title to the Leased Premises, the Lessee shall be bound by the terms and conditions herein to the new owner of the Leased Premises, and the new owner shall take title subject to this leasehold interest.

24. Severability. If any clause or provision of this Lease is or becomes illegal or unenforceable because of present or future laws or rules or regulations of any governmental body or entity, effective during the term of this Lease, the intention of the parties hereto is that the remaining parts of this Lease shall not be affected thereby unless such clause or provision is, in the reasonable determination of both Lessee and Lessor, essential and

material to their respective rights, in which event either party shall have the right to terminate this Lease upon thirty (30) days' written notice to the other party.

25. Completeness of Agreement. This document, together with Exhibit "A" constitutes the entire agreement between the parties and supersedes any prior understanding or written or oral agreements between the parties respecting the within subject matter. No changes or modifications of any of the covenants, terms or conditions hereof shall be valid unless in writing and signed by authorized officers of the parties hereto.

26. Successors and Assigns. This Lease Agreement shall be binding upon the parties and their successors and assigns.

27. Non discrimination. During the performance of this contract, the Lessee agrees as follows:

Lessee will not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. Lessee, in all solicitations or advertisements for employees placed by or on behalf of the Lessee, will state such Lessee is an equal employment opportunity employer.

Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

Lessee will include the provisions of this Paragraph 27, in every subcontract or purchase order for construction at the Leased Premises of over ten thousand dollars

(\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. Any inadvertent failure by the Lessee to comply with the terms of this Paragraph shall not be grounds for terminating this Lease Agreement.

28. Governing Law. This Lease Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

29. No Broker. The parties covenant that this Lease Agreement was directly negotiated between them and no broker was involved in bringing about this Agreement. No claim of a broker's fee shall be made against either party.

30. Memorandum of Lease – Recording. The parties agree that in the event either party hereto shall desire to file this Lease of record, the parties hereto shall forthwith cause to be prepared, and shall thereafter execute, a memorandum of this Lease in the form prescribed by statute, which memorandum, and not this Lease, shall then be so filed for record.

31. Subordination. This Lease and rights of the Lessee hereunder are and shall be subject to the lien of any and all mortgages which may now or hereafter affect the Leased Premises or the Garage, provided that such mortgagee agrees not to disturb the tenancy of Lessee under this Lease so long as Lessee is not in default hereunder.

32. Waiver of Subrogation. Each of the parties to this Lease hereby waives all causes of action and rights of recovery against the other party, and their respective heirs, administrators, successors, officers, employees, agents and assigns for any loss or damage occurring to the Leased Premises, or the improvements, fixtures, merchandise and personal property of every kind located in and about the Leased Premises resulting from any perils covered by insurance regardless of cause or origin, including the negligence of either party, their respective heirs, administrators, successors, officers, employees, agents and assigns

to the extent of any recovery under a policy or policies of insurance. To the extent necessary to effect the foregoing waiver of subrogation, each of the parties agree to obtain from their respective insurance carriers endorsements to such policies of insurance waiving the right of subrogation of the insurance carrier.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures the day and year first above written.

CITY OF ROANOKE, VIRGINIA

ATTEST:

Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ATTEST:

ORVIS ROANOKE, INC.

(title)

By _____
(title)

STATE OF VIRGINIA §
 §
CITY OF ROANOKE §

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Darlene L. Burcham and Mary F. Parker, City Manager and City Clerk, respectively, of the City of Roanoke, Virginia, for and on behalf of said City.

My Commission expires: _____,

[SEAL]

Notary Public

STATE OF _____ §
CITY OF _____ §
§

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by _____ and _____, the _____ and _____, of _____, for and on behalf of said of said Corporation.

My Commission expires: _____,

[SEAL]

Notary Public

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an agreement with Orvis Roanoke, Inc., for the lease of retail space of property located at 11 Campbell Avenue, S.E., for use by Orvis Roanoke, Inc., upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, in form approved by the City Attorney, an appropriate lease agreement with Orvis Roanoke, Inc., for the lease of 3,000 square feet of retail space within the Market Square Parking Garage, located at 11 Campbell Avenue, S.E., for use by Orvis Roanoke, Inc., such lease to be for a five (5) year term, beginning September 1, 2002, and ending August 31, 2007, at an initial rate of \$900.00 per month, subject to an annual increase based on the Consumer Price Index; in addition to the base fee for rent, Orvis Roanoke, Inc., will pay an amount based on the gross revenue of sales, such lease shall further be upon the terms and conditions as more particularly described in the City Manager's letter and attachments to this Council dated June 17, 2002.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Office of the City Manager

June 17, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Roanoke River Flood Reduction Project
 Easements for the Relocation of AEP
 Transmission and Distribution Lines

The U.S. Army Corps of Engineers Roanoke River Flood Reduction Project contains channel widening and a greenway trail between Wasena Park and 13th Street. Along portions of this project, Appalachian Power Company, d/b/a American Electric Power (AEP), has existing easements for various overhead electrical transmission and distribution lines, located in the path of the project. The City has requested that AEP relocate several of these lines located on City-owned property to accommodate the Roanoke River Flood Reduction Project. Since AEP holds existing easements on these properties, they do not fall under the City's standard franchise agreement. The existing easements will be vacated as a condition of granting new easements.

New easements across City-owned property are required for AEP to relocate their electric transmission and distribution lines, communication lines and associated above ground equipment, in, on, along, through, over, across and under the following described lands of the City. (See Attachments #1, #2, & #3 for maps.)

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting easements across City-owned property to Appalachian Power Company, d/b/a American Electric Power and vacating the existing easements. The new easements shall be for the purpose of relocating, reconstructing, owning, and operating electrical transmission and distribution lines and associated above ground equipment.

Respectfully submitted,

Darlene L. Burcham
 City Manager

DLB/SEF

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00080

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the City Manager to grant an easement to Appalachian Power Company, d/b/a American Electric Power ("AEP") for the relocation of existing overhead electrical transmission and distribution lines; vacating of the easement within such existing lines on City property; upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

WHEREAS, AEP has an existing easement for electrical transmission and distribution lines located on City property which needs to be relocated in connection with the Roanoke River Flood Reduction Project, and for purposes of establishing a greenway trail in the area; and

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia as follows:

1. The City Manager is hereby authorized to execute, and the City Clerk is authorized to attest, the necessary documents granting an easement to Appalachian Power Company d/b/a American Electric Power, on City property located between Wasena Park and 13th Street for the relocation of electrical transmission and distribution lines and associated above ground equipment and the establishment of a greenway trail, and vacating the existing easements, in connection with the Roanoke River Flood Reduction Project, as more particularly described in the City Manager's letter to Council dated June 17, 2002.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.